

# Council Assembly

## Ordinary Meeting

Wednesday 25 November 2020  
7.00 pm

Online. This meeting will be livestreamed on Southwark Council's YouTube channel here:  
<https://www.youtube.com/user/southwarkcouncil>

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Councillors are summoned to attend a meeting of the Council to consider the business contained herein

Eleanor Kelly  
Chief Executive

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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#### Contact

Virginia Wynn-Jones, Andrew Weir on 020 7525 7055 or 020 7525 7222 or email: [virginia.wynn-jones@southwark.gov.uk](mailto:virginia.wynn-jones@southwark.gov.uk); [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk); [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk)

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Date: 13 November 2020



# Council Assembly

## Ordinary Meeting

Wednesday 25 November 2020  
7.00 pm

Online. This meeting will be livestreamed on Southwark Council's YouTube channel  
here: <https://www.youtube.com/user/southwarkcouncil>

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
<b>1.</b>	<b>PRELIMINARY BUSINESS</b>	
	<b>1.1. APOLOGIES FOR ABSENCE</b>	
	To receive any apologies for absence.	
	<b>1.2. ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE</b>	
	To receive any announcements from the Mayor, members of the cabinet or the chief executive.	
	<b>1.3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT</b>	
	In special circumstances an item of business may be added to an agenda within seven working days of the meeting.	
	<b>1.4. DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
	<b>1.5. MINUTES</b>	1 - 12
	To approve as a correct record the open minutes of the council assembly meeting held on 16 September 2020.	

## 2. ISSUES RAISED BY THE PUBLIC

### 2.1. PETITIONS

No petitions have been received.

### 2.2. PUBLIC QUESTION TIME

The deadline for public questions is 11.59pm Thursday 19 November 2020. Questions can be emailed to [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Questions from the public will be distributed in a supplemental agenda.

## 3. THEMED DEBATE

### 3.1. COMMUNITY EVIDENCE

The deadline for community evidence on the theme is 11.59pm Thursday 19 November 2020. Submissions can be emailed to: [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Submissions from the public will be distributed in a supplemental agenda.

### 3.2. MOTION ON THE THEME

13 - 15

The leader of the council to present the theme for the meeting.

## 4. DEPUTATIONS

The deadline for deputation requests is 11.59pm Thursday 19 November 2020. Deputations can be emailed to: [constitutional.team@southwark.gov.uk](mailto:constitutional.team@southwark.gov.uk).

Deputation requests will be distributed in a supplemental agenda.

## 5. ISSUES RAISED BY MEMBERS

### 5.1. MEMBERS' QUESTION TIME

16 - 20

To receive any questions from members of the council.

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
<b>5.2.</b>	<b>MEMBERS' MOTIONS</b>	21 - 35
	To consider the following motions:	
	1. Calling on the government to end child food poverty	
	2. End our cladding, external wall fire review form EWS1 and snagging scandal	
	3. Care full pay campaign	
	4. The future of transport in Southwark	
	5. Campaign to join a trade union in light of Covid-19	
	6. Misogyny as a Hate Crime	
	7. Supporting the Albrighton Community Fridge	
<b>6.</b>	<b>REPORT(S) FOR DECISION</b>	
	<b>6.1. REFRESH OF THE COUNCIL PLAN 2018-2022</b>	36 - 79
	<b>6.2. LONDON BOROUGH OF SOUTHWARK - STATEMENT OF LICENSING POLICY 2021-2026</b>	80 - 249
	<b>6.3. TREASURY MANAGEMENT - MID-YEAR UPDATE 2020-21</b>	250 - 259
<b>7.</b>	<b>AMENDMENTS</b>	
	Any member of the council may submit an amendment to a report or motion on the agenda. The amendments will be circulated to all members in a supplemental agenda.	
	<b>ANY OPEN ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING</b>	
	<b>EXCLUSION MOTION (IF NECESSARY)</b>	
	The following motion should be moved, seconded and approved if the council wishes to exclude the press and public to deal with reports revealing exempt information:	
	"That under the access to information procedure rules of the Southwark constitution, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in section(s) 1 – 7 of paragraph 10.4 of the procedure rules."	
	<b>PART B – CLOSED BUSINESS</b>	
	<b>ANY CLOSED ITEMS IDENTIFIED AS URGENT AT THE START OF THE MEETING</b>	

**Item No.**

**Title**

**Page No.**



## Council Assembly (Annual Meeting)

MINUTES of the Council Assembly (Annual Meeting) held on Wednesday 16 September 2020 at 7.00 pm. A recording is available here: <https://www.youtube.com/user/southwarkcouncil>

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### PRESENT:

The Worshipful the Mayor for 2020-21, Councillor Barrie Hargrove,  
 Councillor Evelyn Akoto  
 Councillor Anood Al-Samerai  
 Councillor Jasmine Ali  
 Councillor Humaira Ali  
 Councillor Peter Babudu  
 Councillor Maggie Browning  
 Councillor Jack Buck  
 Councillor Radha Burgess  
 Councillor Victor Chamberlain  
 Councillor Sunil Chopra  
 Councillor James Coldwell  
 Councillor Stephanie Cryan  
 Councillor Helen Dennis  
 Councillor Dora Dixon-Fyle MBE  
 Councillor Nick Dolezal  
 Councillor Karl Eastham  
 Councillor Gavin Edwards  
 Councillor Paul Fleming  
 Councillor Tom Flynn  
 Councillor Renata Hamvas  
 Councillor Jon Hartley  
 Councillor William Hougbo  
 Councillor Sirajul Islam  
 Councillor Peter John OBE  
 Councillor Nick Johnson  
 Councillor Eleanor Kerslake  
 Councillor Sarah King  
 Councillor Sunny Lambe  
 Councillor Richard Leeming  
 Councillor Maria Linforth-Hall  
 Councillor Richard Livingstone  
 Councillor Rebecca Lury  
 Councillor Alice Macdonald  
 Councillor Eliza Mann  
 Councillor James McAsh  
 Councillor Hamish McCallum  
 Councillor Darren Merrill  
 Councillor Victoria Mills  
 Councillor Adele Morris  
 Councillor Graham Neale  
 Councillor Margy Newens  
 Councillor David Noakes  
 Councillor Damian O'Brien  
 Councillor Jason Ochere  
 Councillor Victoria Olisa  
 Councillor Leo Pollak  
 Councillor Catherine Rose  
 Councillor Jane Salmon  
 Councillor Martin Seaton  
 Councillor Andy Simmons  
 Councillor Johnson Situ  
 Councillor Michael Situ  
 Councillor Charlie Smith  
 Councillor Cleo Soanes  
 Councillor Leanne Werner  
 Councillor Dan Whitehead  
 Councillor Kath Whittam  
 Councillor Bill Williams  
 Councillor Kieron Williams  
 Councillor Ian Wingfield

## **1. ELECTION OF THE MAYOR OF SOUTHWARK 2020-21**

The Deputy Mayor, Councillor Barrie Hargrove, welcomed everyone to the meeting.

The clerk announced that the leaders of each political group wished to make a statement.

Thereafter, Councillors Peter John and Nick Johnson paid tribute to the outgoing Mayor.

The clerk asked for nominations for Mayor for the ensuing municipal year 2020-21.

Councillor Peter John, seconded by Councillor Rebecca Lury, moved that Councillor Barrie Hargrove be elected Mayor of the London Borough of Southwark for the municipal year 2020-21.

The nomination was put to the vote and it was:

**RESOLVED:** That Councillor Barrie Hargrove be elected Mayor for the 2020-21 municipal year.

Councillor Barrie Hargrove accepted the office of Mayor. The clerk declared that Councillor Barrie Hargrove was duly elected Mayor of Southwark for 2020-21.

The new Mayor signed the declaration of acceptance of office and took the chair.

The new Mayor stated that he appointed Mary Doherty as the Mayor's consort.

The new Mayor appointed Councillor Sunil Chopra as Deputy Mayor.

The new Mayor gave his incoming speech and announced that his chosen charities would be the MumMum Foundation, Camberwell Choir School and Art Academy London, supported by Councillor Sandra Rhule during her tenure as Mayor of Southwark 2019-20.

## **2. PRELIMINARY BUSINESS**

### **2.1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lorraine Lauder and Sandra Rhule.

### **2.2 ANNOUNCEMENTS FROM THE MAYOR, MEMBERS OF THE CABINET OR CHIEF EXECUTIVE**

There were none.

### **2.3 NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE MAYOR DEEMS URGENT**

There were none.

### **2.4 DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

## 2.5 MINUTES

The minutes of the meeting of 15 July 2020 were agreed as a correct record.

## 3. REPORTS

### 3.1 ELECTION OF LEADER OF THE COUNCIL

Councillor Andy Simmons spoke on behalf of Neil Coyle MP, Harriet Harman MP, and Helen Hayes MP. Councillor Peter John spoke as outgoing leader of the council.

#### **RESOLVED:**

That Councillor Kieron Williams be elected Leader of Southwark Council.

Councillor Kieron Williams spoke as incoming leader of the council. Councillor Nick Johnson spoke as leader of the opposition.

### 3.2 EXECUTIVE FUNCTIONS 2020-21

1. That council assembly received a report from the leader on the following executive issues for the coming municipal year 2020-21 and:
  - Noted the appointment by the leader of cabinet members
  - Noted the appointment of any deputy cabinet members
  - Noted the establishment and appointment of any cabinet committees
  - Noted the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, multi-ward forums, chief officers and any other delegations.

#### **Appointment of the cabinet**

2. That the leader reported to council assembly on the appointment of members of the cabinet and determination of their executive functions.

Cllr Kieron Williams - Leader of the Council

Cllr Jasmine Ali - Deputy Leader and Cabinet Member for Children, Young People & Schools

Cllr Evelyn Akoto - Cabinet Member for Public Health & Community Safety

Cllr Stephanie Cryan - Cabinet Member for Jobs, Culture & Skills

Cllr Helen Dennis - Cabinet Member for Social Support & Homelessness

Cllr Rebecca Lury - Cabinet Member for Finance & Resources

Cllr Alice Macdonald - Cabinet Member for Communities & Equalities

Cllr Leo Pollak - Cabinet Member for Housing

Cllr Catherine Rose - Cabinet Member for Leisure, Environment & Roads

Cllr Johnson Situ - Cabinet Member for Climate Emergency, Planning & Transport

#### **Appointment of deputy cabinet members**

3. That the leader reported to council assembly on the appointment of deputy cabinet members and determination of their duties and responsibilities.



Cllr Radha Burgess - Deputy Cabinet Member for Low Traffic Southwark

### **Establishment and appointment of cabinet committees**

4. That the leader reported on the establishment of the following cabinet committees:
- Cabinet (Livesey Trust) Committee,
  - Better Placed Joint Committee
  - Joint IT Committee (Brent, Lewisham and Southwark).

### **Multi-ward forums**

5. That the leader delegated executive functions for Neighbourhoods Fund, Cleaner Greener Safer (CGS) and Devolved Highways programmes to multi-ward forums. This will be limited to one round of multi-ward forum meetings per municipal year except in exceptional circumstances, whereby a decision can be taken at an additional meeting.

### **Delegation of executive functions**

6. That the leader reported on the delegation of executive functions between full cabinet, individual decision makers, multi-ward forums, chief officers and any other delegations.
7. That council assembly noted the leader's report on any changes to the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and any other delegations.
8. That council assembly noted that as a consequence of recommendation 6, the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

## **3.3 CONSTITUTIONAL CHANGES 2020**

### **RESOLVED:**

1. That council assembly agreed that the constitution contain a protocol outlining how virtual meetings will be run (Appendix 1 of the report).

## **3.4 ESTABLISHMENT OF COMMITTEES, PANELS AND RELATED MATTERS 2020-21**

The nominations for chairs and vice chairs of committees and the nominations to the Local Government Association General Assembly were circulated.

There were three contested positions.

The position of chair of overview and scrutiny committee was put to the vote, and it was agreed that Councillor Ian Wingfield be appointed chair of overview and scrutiny committee.

The position of deputy community champion for North-west multi-ward area was put to the vote, and it was agreed that Councillor Karl Eastham be appointed vice-chair of planning committee.

The position of community champion for the north-east area was put to the vote, and it was agreed that Councillor Sunny Lambe be appointed community champion for the north-east area.

The position of deputy community champion for the north-east area was put to the vote, and it was agreed that Councillor Leanne Werner be appointed deputy community champion for the north-east area.

The substantive motion was carried.

#### **RESOLVED:**

9. That council assembly noted the appointment of political group leaders, deputies and whips:

#### **LABOUR GROUP**

Leader	Councillor Kieron Williams
Deputy Leader	Councillor Jasmine Ali
Chief Whip	Councillor Maggie Browning

#### **LIBERAL DEMOCRAT GROUP**

Leader	Councillor Nick Johnson
Deputy Leader	Councillor William Hougbo
Chief Whip	Councillor Hamish McCallum

10. That council assembly noted the political balance of the council as follows:

Table 1: Political balance

Group	Members	%
Labour	48	76.19
Liberal Democrat	14	22.22
Independent (not a group)	1	1.59
Total	63	100.00

11. That council assembly noted that there is no change to proportionality and the allocation of seats on committees and panels as agreed by council assembly on 18 May 2019 remains the same as set out below.
12. That council assembly established the following committees for the coming municipal year 2020-21:

Table 2: Ordinary Committees - Total number of seats 29

Committee	Total	Lab	Lib Dem
Committee 1 Appointments Committee	7	6	1
Committee 2 Planning Committee	8	6	2
Committee 3 Audit, Governance and Standards Committee	7	5	2
Committee 4 Corporate Parenting Committee	7	6	1
Total	29	23	6

Table 3: Other committees - Total number of seats 26

Committee	Total	Lab	Lib Dem
Overview and Scrutiny Committee	11	8	3
Licensing Committee	15	12	3
Total	26	20	6

Note: The political balance rules require that the political groups represented on council have proportionate representation on council committees. A political group must comprise at least two members, so the one Independent member does not constitute a political group. Councils can allocate seats on committees to members not aligned to a group, but are under no statutory obligation to do so.

Table 4: Multi-ward areas

1.	North-west
2.	North-east
3.	West-central
4.	East-central
5.	South

Note: The composition of multi-ward areas is set out in Article 8 of the constitution (see paragraph 42 of the report).

### Health and wellbeing board

13. That the health and wellbeing board be established as a committee of the council under the Health and Social Care Act 2012 with the membership set out in paragraph 39 of the report.
14. That it be noted that the leader of the council nominates the local authority membership. In accordance with committee procedure rules, the leader chairs the board.

### Appointment of chairs and vice chairs

15. That council assembly appointed chairs and vice chairs for the following committees:

#### Committees

- Appointments committee  
Chair: Councillor Kieron Williams  
Vice-chair: Councillor Jasmine Ali
- Planning committee  
Chair: Councillor Martin Seaton  
Vice-chair: Councillor Darren Merrill
- Audit, governance and standards committee  
Chair: Councillor James McAsh  
Vice-chair: Councillor Graham Neale
- Corporate parenting committee [see note 1 below]  
Chair: Councillor Jasmine Ali (Appointment of cabinet member with the responsibility for children and schools formally noted)  
Vice-chair: Vacant
- Overview and scrutiny committee  
Chair: Councillor Ian Wingfield  
Vice-Chair: Councillor Victor Chamberlain
- Licensing committee  
Chair: Councillor Renata Hamvas  
Vice-chair: Councillor Adele Morris

#### Notes:

1. In 2019-20, the cabinet member responsible for children's services chaired the corporate parenting committee. Council assembly is asked to formally approve this appointment in 2020-21.
2. All outstanding appointments will be referred to the first meeting of the respective committee in the 2020-21 municipal year.

### Appointment of community champions

16. That council assembly appoint community champions for the following multi-ward areas:

Multi-ward areas: Community Champions

	Councillor	Multi-ward area
1.	Damian O'Brien	North-west
2.	Sunny Lambe	North-east

3.	Dora Dixon-Fyle	West-central
4.	Vikki Mills	East-central
5.	Andy Simmons	South

Multi-ward areas: Deputy Community Champions

	Councillor	Multi-ward area
1.	Karl Eastham	North-west
2.	Leanne Werner	North-east
3.	Eleanor Kerslake	West-central
4.	Cleo Soanes	East-central
5.	Margy Newens	South

### Establishment of the council's panels

17. That council assembly establishes the following council panels (see paragraph 53):

Table 5: Panels - Total number of seats 16

Panel	Total	Lab	Lib Dem
Council assembly business panel	4	3	1
Constitutional steering panel	4	3	1
Pensions advisory panel	3	2	1
Voluntary bodies appointments panel	5	4	1
Total	16	12	4

Note: This table is based on the panels established in 2019-20.

### Appointments of chair to constitutional steering panel and voluntary bodies appointments panel

18. That council assembly appoints a chair to the following panels:

- Constitutional steering panel: Councillor Maggie Browning

Notes:

1. That it be noted that the Mayor chairs the council assembly business panel.

### Urgency committee

19. That the role of the urgency committee between a municipal election and the annual meeting of council assembly, as agreed by council assembly on 26 March 2014, be noted as set out in paragraphs 55 and 56.

### Appointments to Local Government Association (LGA) General Assembly

20. That council assembly appoints up to three representatives and allocates the sever votes to representatives to attend the LGA General Assembly (see paragraphs 55 and 56 of the report).

<b>Representative</b>	<b>No. of votes</b>	<b>Group</b>
Councillor Kieron Williams	3	Labour
Councillor Jasmine Ali	3	Labour
Councillor Adele Morris	1	Liberal Democrat

#### **Other appointments to joint committees/outside bodies**

21. That council assembly noted the cabinet and other committees will make appointments to all other outside committees and bodies for the municipal year 2020-21 as required by part 3Q of the constitution.

### **3.5 NOMINATIONS TO LONDON COUNCILS COMMITTEES, GREATER LONDON EMPLOYMENT FORUM, BOROUGH LEAD MEMBERS, LONDON LOCAL GOVERNMENT PENSION SCHEME (LGPS) COMMON INVESTMENT VEHICLE (CIV) LTD. AND LONDON COUNCILS LIMITED 2020-21**

1. LONDON COUNCILS LEADERS' COMMITTEE (S101 JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee.

1 representative and up to 2 deputies

Labour nomination Cllr Kieron Williams

Deputies

Labour nominations Councillor Jasmine Ali

2. LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE (S101 ASSOCIATED JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives or deputies to this joint committee.

1 representative and up to 4 deputies

Labour nomination Councillor Johnson Situ

Deputies

Labour nominations Councillor Catherine Rose

3. LONDON COUNCILS GRANTS COMMITTEE (ASSOCIATED JOINT COMMITTEE)

Note: Council Assembly may only nominate cabinet members as representatives

or deputies to this joint committee

1 representative and up to 4 deputies

Labour nomination Councillor Alice Macdonald

Deputies

Labour nominations -

4. LONDON LGBS COMMON INVESTMENT VEHICLE (CIV) LIMITED

1 representative and up to 2 deputies

Labour nomination Councillor Rebecca Lury

Deputy

Labour nomination -

5. GREATER LONDON EMPLOYMENT FORUM

1 representative and 1 deputy

Labour nomination Councillor Rebecca Lury

Deputy

Labour nomination -

6. LONDON COUNCILS BOROUGH LEAD MEMBER – ARTS/CULTURE, TOURISM, SPORT AND LEISURE

Labour nomination Councillor Catherine Rose

7. LONDON COUNCILS BOROUGH LEAD MEMBER – CHILDREN AND YOUNG PEOPLE/SAFEGUARDING AND SCHOOLS

Labour nomination Councillor Jasmine Ali

8. LONDON COUNCILS BOROUGH LEAD MEMBER – CRIME AND PUBLIC PROTECTION

Labour nomination Councillor Evelyn Akoto

9. LONDON COUNCILS BOROUGH LEAD MEMBER – ECONOMIC DEVELOPMENT/BUSINESS

Labour nomination Councillor Stephanie Cryan

10. LONDON COUNCILS BOROUGH LEAD MEMBER – FINANCE AND CORPORATE

## SERVICES

- Labour nomination Councillor Rebecca Lury
11. LONDON COUNCILS BOROUGH LEAD MEMBER – HEALTH AND SOCIAL CARE INCLUDING ADULT SERVICES
- Labour nomination Councillor Helen Dennis
12. LONDON COUNCILS BOROUGH LEAD MEMBER – HOUSING AND REGENERATION
- Labour nomination Councillor Leo Pollak
13. LONDON COUNCILS BOROUGH LEAD MEMBER – PLANNING/ INFRASTRUCTURE/DEVELOPMENT
- Labour nomination Councillor Johnson Situ
14. LONDON COUNCILS BOROUGH LEAD MEMBER – SKILLS AND EMPLOYMENT
- Labour nomination Councillor Stephanie Cryan
15. LONDON COUNCILS LIMITED
- 1 representative
- Labour nomination Councillor Kieron Williams

**3.6 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2019/20**

Councillor Ian Wingfield, chair of overview and scrutiny committee, introduced the report.

**RESOLVED:**

1. That council assembly noted the scrutiny activity for the 2019/20 year as detailed in paragraphs 9 – 46 of the report.
2. That council assembly noted the proposed areas of activity for 2020/21, which builds upon some of the work undertaken in 2019/20 and the council's response to Covid-19 (paragraph 47 of the report).

**4. AMENDMENTS**



The meeting closed at 8.30 pm.

CHAIR:

DATED:

<b>Item No.</b> 3.2	<b>Classification:</b> Open	<b>Date:</b> 25 November 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Motion on the Theme: Resilient Southwark: responding to the ongoing pandemic	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## BACKGROUND INFORMATION

The theme for this meeting is Resilient Southwark: responding to the ongoing pandemic.

The relevant cabinet member shall submit a motion on the theme. All other political groups on the council are allowed to submit one amendment to the motion. The cabinet member's motion and the amendments do not need to be seconded. The cabinet member will present the motion to the meeting, followed by the lead opposition spokesperson's response and moving of their amendment, if any. Following this, the subject matter of the theme will be open to debate. Amendment(s) from other opposition groups on the council can be moved during this part of the meeting.

### Motion from Councillor Kieron Williams, Leader of the Council

1. Council assembly notes that:
  - a. Covid-19 continues to have a significant and negative impact on the borough and our residents; particularly for the most vulnerable (such as those over the age of 80) and black, Asian and minority ethnic communities.
  - b. we are currently in the second wave of the virus and back in national lockdown, and the number of deaths due to Covid-19 are increasing exponentially each week.
2. Council Assembly further notes:
  - a. After an initial period where Southwark Council responded quickly and effectively to the first wave in partnership with the borough's voluntary and community sectors, the council is now working to build Covid-19 resilience into its long term plans, prevent the further spread of the virus, and protect residents from an even deadlier third or fourth wave.
  - b. The Council Plan refresh makes it clear that Covid-19 response and resilience is a central part of the council's fabric.
  - c. As of 4 November 2020, Southwark Council has taken the following steps towards Covid-19 recovery:
    - Financially supported over 5,000 families with the Southwark Emergency Support Scheme.

- Rehoused 763 residents who were formerly sleeping rough, following the success of the initial 'Everyone In' movement.
  - Created an Economic Renewal Plan to ensure that businesses, high streets and town centres are able to recover from the pandemic, which includes measures such as distributing millions of pounds of grants, changing public spaces to enable social distancing (in over 100 locations), and providing marshals to reopen high streets safely.
- d. In order to prevent the spread of Covid-19 and in the absence of a well-managed government system, Southwark Council has stepped up to provide a local Test and Trace programme, increasing the overall follow up contact rate from 60% to over 85% since this began – amongst the highest follow-up rates for the 32 London boroughs.
3. Council assembly further notes the government's incompetence and failure to:
- control the virus and bring down infection rates with an effective Test and Trace system; instead rolling out a system which does not meet its own self-set targets, loses crucial data and rakes in profits for private companies.
  - provide sufficient financial support to individuals throughout the pandemic; by switching and doubling back on furlough policy last minute, excluding thousands of new starters from eligibility criteria, and disregarding those who are self-employed or freelance.
  - work with capable and local authorities as partners and involve them in planning and delivery; instead leaving them in the dark and facing huge funding gaps.
4. Council assembly puts on record its thanks to:
- all council staff, the NHS, community groups, other partners and residents for their incredible resilience and support throughout the pandemic.
5. Council assembly calls on cabinet to:
- a. Continue to work with partners to protect and support residents during this second wave and second national lockdown.
- b. Lobby the government to:
- properly fund the NHS and local authority Public Health teams - not failing corporations - to run a fully functioning test, trace, isolate and support system which will guarantee everyone in our community (including those in care homes) are able to access a test and receive the results quickly. This should incorporate full sick pay for those testing positive, allowing them to self-isolate, and hotels for vulnerable people to self-isolate when someone in their household has tested positive.
  - give financial security and peace of mind to those who have lost their jobs by extending the furlough scheme until the end of the year, and launch an emergency support package for the

hardest hit sectors, including culture, leisure, arts, and hospitality.

- avoid a 'poverty pandemic' by raising the Local Housing Allowance to cover the cost of renting a basic private rented home and suspending the benefits cap, and increase Universal Credit and other legacy benefit payments by £20 per week to alleviate fuel poverty this winter.
- reinstate the 'Everyone In' rough sleeping policy until at least the end of March 2021, including suspending the no recourse to public funds (NRPF) rules which trap people on the streets.
- deliver a full support package for schools; to include funding which covers the cost of staying open safely, cover for teachers who are self-isolating, and distribution of enough laptops so that all children who are self-isolating can study from home.
- provide proper financial support for local authorities and help cover the 'coronavirus deficit' that has emerged through increased expenditure and loss of revenue for councils – a forecast £11m this financial year for Southwark alone.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet members motion	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services
<b>Report Author</b>	Virginia Wynn-Jones, Principal Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	12 November 2020

<b>Item No.</b> 4.1	<b>Classification:</b> Open	<b>Date:</b> 25 November 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Members' Question Time	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## BACKGROUND INFORMATION

Members' question time shall not exceed 30 minutes. During this time, members may not question any one cabinet member or committee chair for longer than fifteen minutes. Members are limited to one question at each meeting.

Questions to the leader will be taken first, followed by question from community council councillors followed by questions to other cabinet members. The order in which the different political groups ask questions of the leader will be rotated. Questions to cabinet members will also be rotated. The order of portfolios will be rotated at each meeting such that the cabinet member answering questions immediately after the leader will be the second to last cabinet member to answer any questions at the next meeting of council assembly. The rotation is in line with decisions of council assembly in July 2014 and rotations circulated by the proper constitutional officer.

Cabinet members and committee chairs have discretion to refer a question to another cabinet member.

Responses to members' questions will be circulated on the evening of the meeting.

The Mayor will ask the member asking the question if they wish to ask one supplemental question to the member to whom the question was asked. The supplemental question must arise directly out of the original question or the reply. Therefore, supplemental questions to the leader or other cabinet members are not free ranging.

No question shall be asked on a matter concerning a planning or licensing application.

### Notes:

1. The procedures on members' questions are set out in council assembly procedure rule 2.9 in the Southwark Constitution.
2. In accordance with council assembly procedure rule 2.9 (12) & (13) (prioritisation and rotation by the political groups) the order in which questions to the leader appear in this report may not necessarily be the order in which they are considered at the meeting.

**1. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR HAMISH McCALLUM**

In 2014, Labour promised to build 11,000 council homes by 2043. However after 10 years we have just 682 built. Please could the Leader provide a table showing annually to 2043, the plan for how many new build council houses he intends to deliver by number of bedrooms by ward, and the projected annual cost?

**2. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR BILL WILLIAMS**

Can the Leader confirm Southwark's allocation of the £170 million Covid 19 Winter Grant Scheme announced by the Government on 8 November 2020 following the campaign led by the footballer Marcus Rashford?

**3. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR VICTOR CHAMBERLAIN**

With the cancellation of the RV1 hydrogen bus, the cancellation of the Rotherhithe to Canary Wharf pedestrian and cycle bridge, the delay in funding of the Bakerloo Line Extension and cancellation of Crossrail2, what steps is the Council taking to mitigate the failure of the Mayor to take transport infrastructure and air pollution seriously? And although cycling and walking is a vital part of the strategy, how does he see the Council achieving reductions in road transport in Southwark as promised in the Movement Plan without these infrastructures?

**4. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR GAVIN EDWARDS**

The publication of the Equality and Human Rights Commission (EHRC) Report on 29 October 2020 was a shameful day for the Labour Party. Can the Leader of the Council commit to doing everything he can to work with the Mayor of London, Southwark MPs and councillors to stamp out anti-Semitism in Southwark and ensure our borough is one where the Jewish community is always welcome and feels safe, secure and supported?

**5. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR NICK JOHNSON**

Following the continued rise in anti social behaviour in Bermondsey, Rotherhithe and Canada Water, climaxing in kids shooting fireworks at people every night around Canada Water station and the Metropolitan Police Service's decision to deploy the territorial Support Group to the area, does the council agree that as part of its 10 year old Fairer Future promise, it needs to do more to help these kids find other activities to get involved with? And will the leader provide the concrete steps, timescales and investment he intends to ensure the council are taking to achieve this?

**6. QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR HUMAIRA ALI**

The recent petition presented at October Cabinet from residents had nearly 2500 signatures asking for the road closure changes to be reversed. Does the Leader believe that adequate consultation has taken place with residents BEFORE implementing these changes and that the Strategic Director's response in the cabinet report to the residents' petition was adequate and respected the administration's Fairer Future value of "treating residents as if they were a valued member of our own family"? Can the Leader elaborate on how he intends to ensure the new values being added through the 'Southwark Stands Together' recommendations are equally followed by the council leadership team under his control?

**7. QUESTION TO THE CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS FROM COUNCILLOR DAMIAN O'BRIEN**

Making the case for low traffic neighbourhoods (LTNs) and other traffic-calming initiatives must be backed up by proof that such interventions improve the air quality for residents. What methods are in place, or will be put in place, to collect before-and-after data on CO<sub>2</sub>, NO<sub>x</sub> and particulates emissions so that objectors can be presented with evidence of the effectiveness of these interventions?

**8. QUESTION TO THE CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS FROM COUNCILLOR DAVID NOAKES**

In the Labour amendment to our Busking on Bankside motion in March 2018 the administration committed the cabinet "To look at the recommendations coming forward from the 'Bankside Busking Working Group' and the multi-agency Buskers group, which includes representatives from the council's noise team, Southwark anti social behaviour unit (SASBU), environmental protection team (EPT), street enforcement teams and the police, with a view to adopting a solution which protects the amenity of local residents and reduces problematic and nuisance busking."

Between July and August 2018 the Council's Regulatory Service carried out a project to monitor and respond to the issues of busking on Bankside. A report on the Busking Project was finally produced and circulated in June 2019. The Better Bankside Busking Working Group met in September 2019 to consider the recommendations in the report and fed back our views. When is the Cabinet going to consider the recommendations submitted by the Bankside Busking Working Group last year? When will they adopt and implement a solution that protects the amenity of local residents and reduces problematic and nuisance busking?

**9. QUESTION TO THE CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS FROM COUNCILLOR VICTORIA OLISA**

Low Traffic Southwark is a new strategy which is currently in development; how does it differ from conventional approaches to tackling traffic?

**10. QUESTION TO THE CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS FROM COUNCILLOR VIKKI MILLS**

Young people have suffered in a range of different ways during the Covid pandemic including the loss of fun, competition and comradeship of team sports, and OFSTED's Autumn Visits Reports (published 10 November 2020) have confirmed the huge loss of physical fitness of young people. With this in mind the £3m capital commitment made in April 2020 to create a 'Southwark Community Sports Legacy Fund' seems even more vital and timely.

Can the Cabinet Member confirm that planning is taking place to set up an advisory board to oversee the fund and make awards, and that preparations are being made for £2m of the funding to be made available to local clubs and residents to invest in sports facilities in the borough? Can the Cabinet Member confirm when the first round of applications will open so that grants can be made by Summer 2021 and young people and local clubs are able to make the most of a summer of sport if Covid and other circumstances allow?

**11. QUESTION TO THE CABINET MEMBER FOR LEISURE, ENVIRONMENT AND ROADS FROM COUNCILLOR SARAH KING**

Adventurous play is a vital part of childhood development and our Adventure Playgrounds provide brilliant opportunities for Southwark's young people. Can the Cabinet Member confirm what planning has already taken place to spend the £3 million capital investment in our Adventure Playgrounds which was announced in February 2019 (£500,000) and April 2020 (a further £2.5 million) with the commitment this would deliver new and improved facilities at Dog Kennel Hill, Fredericks, Ellen Brown and Bethwin adventure playgrounds? Can the Cabinet Member also confirm what planning has taken place to ensure our adventure playgrounds can reopen in a Covid-safe way as we emerge from lockdown and infection levels hopefully reduce?

**12. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR GRAHAM NEALE**

On 28 March 2018, the then Cabinet Member for Housing quoted in Southwark News article - "...we cannot tolerate the use of our properties as short term lets..." (ref <https://www.southwark.gov.uk/news/2017/mar/southwark-cracks-down-on-short-term-holiday-lets-with-warnings-to-local-leaseholders>) –

Regarding the Labour administration's success in closing down short-term letting on our housing estates in the three and a half years since this statement: Please could I have a ward by ward breakdown by year including and since 2017, of the number of cases and complaints the council has received? And what legal action the council has taken (apart from sending generic leaflets) to ensure these homes are used for housing, not businesses?



**13. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR WILLIAM HOUNGBO**

Residents have raised concerns about the constant Section 20 notices for Devon Mansions and the cost and impact this is having on their lives. Work scheduled for a few years ago now costs 13% more to deliver and there are concerns raised over the quality of the work already performed – especially the roof. Will the Cabinet Member commit to intervening, to cover the cost differential as well as hold suppliers to account on their works; and to what timescales will he commit to putting this right?

**14. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR LORRAINE LAUDER**

What progress is the council making on building new council homes against the target of 2500 new council homes delivered or on site by 2022?

**15. QUESTION TO THE CABINET MEMBER FOR HOUSING FROM COUNCILLOR MARTIN SEATON**

What is the council doing to promote diversity in the architecture profession?

**16. QUESTION TO THE CABINET MEMBER FOR CLIMATE EMERGENCY, PLANNING AND TRANSPORT FROM COUNCILLOR ADELE MORRIS**

Could the cabinet member please confirm how many fast charge and slow charge electric vehicle charging points have been installed by ward by year since 2010 in Southwark against the planned target for that year, specifying how many are for cars and how many are for motorbikes? Also how many of these are sited on our housing estates?

**17. QUESTION TO THE CABINET MEMBER FOR CLIMATE EMERGENCY, PLANNING AND TRANSPORT FROM COUNCILLOR PETER BABUDU**

Can the cabinet member tell us where we are with development of Peckham Town Centre? Can you reassure us that the community will have a say in line with the development consultation charter?

**18. QUESTION TO THE CABINET MEMBER FOR PUBLIC HEALTH AND COMMUNITY SAFETY FROM COUNCILLOR KATH WHITTAM**

What action is the council taking around anti-social behaviour and the misuse of fireworks?

<b>Item No.</b> 5.2	<b>Classification:</b> Open	<b>Date:</b> 25 November 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Members' Motions	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

## BACKGROUND INFORMATION

The councillor introducing or “moving” the motion may make a speech directed to the matter under discussion. This may not exceed five minutes<sup>1</sup>. A second councillor will then be asked by the Mayor to “second” the motion. This may not exceed three minutes without the consent of the Mayor.

The meeting will then debate the issue and any amendments on the motion will be dealt with. At the end of the debate the mover of the motion may make a concluding speech, known as a “right of reply”. If an amendment is carried, the mover of the amendment shall hold the right of reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.

The Mayor will then ask councillors to vote on the motion (and any amendments).

## IMPLICATIONS OF THE CONSTITUTION

The constitution allocates responsibility for particular functions to council assembly, including approving the budget and policy framework, and allocates to the cabinet responsibility for developing and implementing the budget and policy framework and overseeing the running of council services on a day-to-day basis. Therefore any matters that are reserved to the cabinet (i.e. housing, social services, regeneration, environment, education etc) cannot be decided upon by council assembly without prior reference to the cabinet. While it would be in order for council assembly to discuss an issue, consideration of any of the following should be referred to the cabinet:

- to change or develop a new or existing policy
- to instruct officers to implement new procedures
- to allocate resources.

**Note:** In accordance with council assembly procedure rule 2.10 (7) & (8) (prioritisation and rotation by the political groups) the order in which motions appear in the agenda may not necessarily be the order in which they are considered at the meeting.

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<sup>1</sup> Council assembly procedure rule 1.14 (9)

1. **MOTION FROM COUNCILLOR KARL EASTHAM** (Seconded by Councillor Margy Newens)

**Calling on the government to end child food poverty**

1. Council Assembly notes that:
  - a. 10% of children in the UK are reported by UNICEF to be living in households affected by severe food insecurity.
  - b. Southwark Council was one of the first councils to extend Free School Meals into the October half term in order to combat holiday hunger, after a parliamentary vote where Conservative MPs decided against funding them.
  - c. As of 8 November 2020 the Government has now reversed their previous position on Free School Meals and agreed to fund them for Easter, Summer and Christmas in 2021 as part of their Holiday Activities and Food programme, after the #endchildfoodpoverty campaign led by Marcus Rashford and the Child Food Poverty Taskforce.
  - d. Free School Meals has been a flagship Southwark Labour policy for 10 years, despite opposition from local Liberal Democrat councillors.
2. Council Assembly thanks:
  - a. Marcus Rashford and the Child Food Poverty Taskforce for highlighting this important issue and working to #endchildfoodpoverty, at a time of rising job insecurity and financial worry due to Covid-19.
  - b. The fellow local authorities, businesses and community groups that have stepped up to provide meals over the October half term.
3. Council Assembly calls on Cabinet to:
  - a. Lobby government to ensure that local authorities have sufficient funding to provide Free School Meals to all children who need them in the school holidays.
  - b. Join forces with Marcus Rashford, the Child Food Poverty Taskforce, and other local authorities to request that the government expand free school meals to all under-16s where a parent or guardian is in receipt of Universal Credit or equivalent benefit.

- c. Call on government to bring forward and implement the planned long term strategy to combat child food poverty, following the welcome short term decisions set out on 8 November 2020.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

**2. MOTION FROM COUNCILLOR HUMAIRA ALI** (Seconded by Councillor Graham Neale)

**End our cladding, external wall fire review form EWS1 and snagging scandal**

1. Council Assembly notes that:
  - a. Following the human tragedy of the 2017 Grenfell Tower fire<sup>2</sup> taking 72 lives blamed on Aluminium Composite Material (ACM) cladding, this has rightfully led to a focus on fire safety in buildings across the country.
  - b. The Government banned the use of all combustible materials on the walls of new high rises in November 2018<sup>3</sup> meaning the problem has now extended beyond ACM cladding to buildings decorated with other materials that could be flammable - including balconies, and wooden panels. However, it did not legislate for building owners to take action or provide sufficient compensation funds to cover all situations.
  - c. In parallel, the Royal Institution of Chartered Surveyors (RICS) and the UK Council of Mortgage Lenders agreed the industry External Wall System fire review and certification process resulting in what is known as an EWS1 form. Only circa 300 professional fire safety engineers nationally are qualified to issue these - creating a bottleneck across the country including in Southwark.
  - d. Without an EWS1 form, many lenders are now refusing to provide mortgages. As there is no Government legislation forcing owners to produce EWS1 forms or to take remedial action, many leaseholders are having to battle with owners whether their Local Authority, Housing Associations or private landlords. Remediation costs are also skyrocketing in the £100Ks and many owners are forcing this back on leaseholders via financially ruinous service charges – including impacting those in shared ownership.
  - e. Subsequently, residents and leaseholders through no fault of their own are being left in potentially ruinous limbo unable to mortgage properties, re-mortgage and therefore unable to buy and sell. Additionally residents are living in fear in homes with

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<sup>2</sup> [https://en.wikipedia.org/wiki/Grenfell\\_Tower\\_fire](https://en.wikipedia.org/wiki/Grenfell_Tower_fire)

<sup>3</sup> MHCLG, Government bans combustible materials on high-rise homes, 29 November 2018

no idea if they are safe. This is fundamentally holding up people's lives, costing our residents money they shouldn't have to pay and leaving a huge mental health impact.

2. Council Assembly also notes that:
  - a. The cladding issue is symptomatic of a wider problem of lack of legislative support for snagging in new build blocks. Snagging is largely left to the responsibility of the residents to take up with the developer post purchase.
  - b. Snagging of new build buildings (both the private and shared areas) can cause much angst for private and affordable housing leaseholders. Even when financially covered by new build insurance schemes such as the National Housing Building Council (NHBC) certification, leaseholders and residents associations often suffer poor response and cycles of poor quality repairs without solving underlying problems.
  - c. Councillor casework regularly contains issues around build quality along with a lack of accountability with the house builders. There are signs of much misery and impact on health and well-being for Southwark residents living with issues due to snagging.
  
3. Council Assembly asserts that:
  - a. The combination of this cladding, EWS1 and snagging scandal is having an impact on many Southwark residents but the Council does not have a grip of the size or the scope of the problem including the mental health impacts from living in fear and facing financial ruin.
  - b. The current industry EWS1 process and public funding of remediation works is not fit for purpose and needs rapid attention to unblock the mortgage process. The Government has largely adopted a 'hands-off' approach and insisted that making properties safe is the responsibility of building owners.
  - c. The Council should not stand by and leave action to the Government and now needs to step in and take action where legally allowed to. It has a responsibility and arguably a 'duty of care' to its residents who have innocently purchased modern new build properties granted planning permission by the Council.
  
4. Council Assembly therefore calls on Cabinet to:
  - a. Sign up the Council to the End Our Cladding Scandal campaign<sup>4</sup>.
  - b. Immediately perform an audit and consultation with resident associations of all habitable buildings in Southwark (regardless

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<sup>4</sup> Email: [endourcladdingscandal@gmail.com](mailto:endourcladdingscandal@gmail.com)

- of tenure ie Council, private, shared ownership, housing association or other) to establish the potential scope of the cladding, EWS1 and snagging issues. This audit should be completed by the end of 2020 with a report back to Cabinet at the start of 2021.
- c. Consider options on advice and support including establishing a Cladding and Snagging Hub by March 2021 to provide assistance to all Southwark residents associations regardless of housing tenure ie Council, Housing Association, Shared Ownership or private. The aim being to assist such resident associations in lobbying developers, building owners and claiming Government funds to urgently rectify their buildings. This support team should be proactive rather than reactive.
  - d. Investigate options such as to redeploy and upskill staff, support and upskill surveyors or other suitable professionals as appropriate, in order to perform more EWS1 assessments. The aim being to accelerate remediation and certification. This may also have a longer term benefit to increasing job opportunities in Southwark.
  - e. Lobby all private building owners and Housing Associations in Southwark to act immediately in rectifying issues and achieve EWS1 certification – noting that some of these owners may not be the original developer and therefore will need the Council’s assistance to engage and trace such developers or other routes to remedy to avoid any cost to their Leaseholders.
  - f. Explore ways to delay approving planning applications where the applicant has outstanding snagging or EWS1 certification issues in Southwark and include a condition to be discharged on all future planning applications to provide an EWS1 form before first occupation.
  - g. Lobby and work with the MPs, MHCLG and the Mayor of London to:
    - i. Devolve powers to Southwark Council in order to have jurisdiction over enforcing remediation of housing of all tenures and to obtain local control over the relevant compensation funds from the Government for Southwark so the Council can actively support affected residents in Southwark of all tenures.
    - ii. Adopt the sensible recommendations of the Housing, Communities and Local Government Select Committee<sup>5</sup> that the EWS1 process could be reformed to urgently revise and implement a process (at no cost to leaseholders) that offers clarity to lenders, insurers and peace of mind for homeowners and buyers to re-instate re-mortgaging and property sales provided there is no immediate danger.

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<sup>5</sup> <https://publications.parliament.uk/pa/cm5801/cmselect/cmcomloc/172/17202.htm>

- iii. Adopt the 10 asks of the End Our Cladding Scandal campaign<sup>6</sup>.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

3. **MOTION FROM COUNCILLOR IAN WINGFIELD** (Seconded by Councillor Victoria Olisa)

### **Care full pay campaign**

1. Council Assembly notes:
  - a. That Southwark Council was one of the first local authorities to sign up to Unison's Ethical Care Charter, ensuring better working conditions for home care workers and a better quality of care for residents. The Charter ensures that:
    - Care workers are paid travel time between appointments.
    - Every home care worker is given the opportunity to take up a guaranteed hours contract.
    - Care workers are always paid at least the independently calculated London Living Wage.
    - Care visits are long enough that care workers are able to carry out their duties with compassion.
  - b. That Southwark Council plans to build on the Ethical Care Charter through development of a Residential Care Charter and is currently consulting care home staff, residents and carers on this proposal.
  - c. The GMB union has now launched its Care Full Pay campaign calling for full occupational sick pay for residential social care staff with the aim of persuading care providers and Government that full sick pay is one of the most effective forms of infection prevention in care homes. The main objectives being
    - Full occupational sick pay for those working in residential social care.
    - Covid-19 full sick pay as a step to full sick pay.
    - Promote full sick pay as an infection control measure.
  - d. The UK has one of the lowest levels of Statutory Sick Pay (SSP) in Europe. Over time, the value of the payment has been eroded, and it now equates to around a fifth of median earnings. The April 2020 SSP rate is £95.85 per week.

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<sup>6</sup> <https://www.insidehousing.co.uk/news/news/end-our-cladding-scandal-campaign-relaunches-with-10-step-plan-to-tackle-mounting-crisis-68020>

- e. According to the 2020 Vivaldi study, 77 per cent of care home workers received SSP-only (and a further 7 per cent did not receive any sick pay coverage).
2. This council understands that:
- a. A strong body of emerging evidence links inadequate sickness pay to higher infection rates, and a reluctance to return to work including:
- The initial findings of the Vivaldi study include tentative evidence that ‘in care homes where staff receive sick pay, there are lower levels of infection in residents.
  - A recent survey of furloughed and non-furloughed workers found that ‘workers without employer-provided sick pay have a significantly lower willingness to pay to return to work,’ and also that ‘workers without additional sick pay are significantly more likely to continue to work even with mild coronavirus symptoms.’
  - In Spain, a reduction in the generosity of sick pay arrangements was associated with ‘huge increases in both the proportion of relapses and working accidents rates.’
- b. A GMB survey of nearly 1000 social care workers found that:
- 77 per cent of care workers said they would be inclined to return to work before they were ready if they were on SSP.
  - 80 per cent of respondents said they would be forced to borrow off family or friends to make ends meet if they were put on SSP.
- c. There are significant long-term challenges for the care workforce. There are an estimated 120,000 vacancies in the sector, and 800,000 frontline care workers are receiving less than the real living wage.
3. This council resolves to:
- a. Express its public support for GMB union’s Care Full Pay campaign.
- b. To continue to call on its care home providers to pay full occupational sick pay to its social care workforce and use allocated funds from the Adult Social Care Infection Control Fund to do this as a priority in the first instance.
- c. To continue to investigate how the Adult Social Care Infection Control Fund granted to the council in May and July 2020 was spent by care providers to ensure it has been spent on ensuring social care workers have full occupational sick pay,



and ensure any funds not already spent are prioritised for ensuring full occupational sick pay.

- d. To ensure all future funds allocated and administered through this council as part of the Adult Social Care Infection Control Fund encourage full sick pay as a priority.
- e. Raise this issue with our local MPs and encourage them to call on the government to strengthen guidance around ensuring full occupational sick pay is paid to social care workers that have to self-isolate, or have suspected symptoms of Covid-19 or awaiting a test.
- f. To encourage signatories on the GMB's Care Full Pay petition to Care Minister, Helen Whatley MP, available at [www.gmb.org.uk/care-pay](http://www.gmb.org.uk/care-pay)
- g. To move forward with development of the Council's own Residential Care Charter to ensure that there is a long-term plan to support and strengthen our care workforce.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

**4. MOTION FROM COUNCILLOR DAMIAN O'BRIEN** (Seconded by Councillor Victor Chamberlain)

**The future of transport in Southwark**

1. Council Assembly notes that:
  - a. Southwark Council published its Transport Plan in 2011 with a 20 year vision aiming for a sustainable future for the borough, encouraging more active lifestyles through cycling and walking and improving the borough's air quality (NO2 and other pollutants) by reducing road traffic through investment in public transport infrastructure. Such infrastructure can take decades and billions of pounds to put in place.
  - b. Fortunately, Southwark has benefited from many improvements in public transport infrastructure over the past 20 years - including the complete transformation of London Bridge station, two additional tube stations for the Jubilee line at Bermondsey and Southwark, commissioning of the London Overground, Thameslink upgrades, transformation of Blackfriars station and improvements to Denmark Hill and Peckham Rye stations.
  - c. Innovations such as the Oyster card introduced in 2003 and contactless payment introduced in 2012, were initiatives applauded at home and abroad.

- d. Cycling and walking has been improved by the Millennium Bridge, the creation and expansion of the cycle hire scheme and recent Cycle Route 4 to Bermondsey and beyond.
  - e. Many streets have also been made 20mph zones or converted to School streets.
  - f. In April 2019, the Council issued a revised transport 'Movement Plan' which rightly re-emphasised the focus on a cycling and walking strategy for Southwark with a vision for 2041 as: 'Walking and cycling will be how people choose to travel. Longer trips will be made by public transport supported by an accessible shared mobility services. Deliveries and servicing impacts will be mitigated through fewer trips, safer, greener and quieter vehicles'.
2. Council Assembly also notes that:
- a. The 2019 Movement Plan recognised a clear failure of the 2011 Transport Plan to reduce road traffic in spite of the above transport infrastructure improvements. It noted an "increase in road traffic passing through Southwark, and sadly that increase is having a dramatic impact on the health of our residents". It further notes there has been no real change in traffic numbers since 2010 – with cars and taxis making up 88% of traffic on our streets and the remaining 12% being buses, vans and larger vehicles.
  - b. The Council's Environment Scrutiny Commission's Air Quality Report in June 2020 highlighted "Air quality in Southwark is a major problem. To put it bluntly we have levels of NO, PM [nitrogen oxide per million] in many parts of the borough that are above what is safe. Forty-four locations in Southwark failed air quality targets in 2017 with two being among the top ten most polluted in London."
  - c. Public infrastructure improvements are a key focus for reducing traffic in the transport vision for 2041 including M3 to deliver the Rotherhithe to Canary Wharf Bridge by 2025 and M5 the Bakerloo Line extension by 2030.
  - d. The Canada Water master plan for the Rotherhithe peninsula - one of the largest regeneration programmes ever undertaken in Southwark – relies on major investment decisions in public transport infrastructure including the Bakerloo Line Extension, Crossrail<sup>27</sup> and increased capacity on the London Underground Jubilee line.

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<sup>7</sup> The Canada Water Strategic Study by Mott McDonald prepared in 2018

- e. The Old Kent Road area action plan also sets out an ambitious programme for housing reliant on transport infrastructure – specifically the Bakerloo Line Extension – without which, only 9,000 of the 25,000 new homes can be built.
  - f. Reduction in road traffic is a key recommendation of the Environment Scrutiny Air Quality report (Recommendation 5) to ‘Drive down total private vehicle usage over time so that by 2030 only a limited number of EV [electric] vehicles are in common use on Southwark roads. Set targets for yearly traffic volume reduction. Adopt a local target to halve petrol and diesel road journeys by 2025, and by 90% by 2030, and encourage London Councils and the Mayor to do likewise.’ The Council’s response to this pointed at the 2019 Movement Plan with no additional proposals.
3. Council Assembly further notes that:
- a. In September 2020 Transport for London (TfL) omitted the Bakerloo line extension from its wish list sent to the Government for the forthcoming comprehensive spending review.<sup>8</sup>
  - b. In October 2020, the Mayor of London agreed that Crossrail2 plans will be shelved as part of the £1.8bn TfL funding deal agreed with the government<sup>9</sup>
  - c. The Mayor has also previously shelved plans for the Rotherhithe Ferry and Bridge, failed to support local bus services such as the RV1 and introduced a 2019 reduction in local bus services.
  - d. The Mayor’s wish list does however contain funding for the Silvertown Tunnel. This is expected to cost nearly £2bn<sup>10</sup> which will relocate traffic and congestion from the Blackwall Tunnel – and is a massive investment in road and vehicle transport. Toll charges will also be added to the Silvertown and Blackwall tunnels, so that the first non-chargeable crossing of the Thames will be via the Rotherhithe tunnel in Southwark. This is sure to increase congestion and air pollution as a result. This is despite a cross-party letter of objection to the Silvertown tunnel submitted by Southwark Labour and Liberal Democrat councillors during the consultation period.
4. Council Assembly asserts that:

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<sup>8</sup> <https://www.london-se1.co.uk/news/view/10413>

<sup>9</sup> Department for Transport “Transport for London Settlement” letter to Sadiq Khan, Mayor of London from the Rt. Hon. Grant Shapps, Secretary of State for Transport, 31 October 2020 and <https://www.theguardian.com/uk-news/2020/nov/02/crossrail-2-plans-shelved-transport-for-london-funding-deal>

<sup>10</sup> <https://www.theguardian.com/uk-news/2020/sep/16/thames-tunnel-will-cost-nearly-2bn-over-30-years-tfl-figures-show>

- a. Due to the Mayor of London's recent decisions in shelving key public transport initiatives, the Council's 2019 Movement Plan and 2041 transport vision are already at risk of failure just two years after publishing.
  - b. Further, the Council's major regeneration programmes across the Borough are now in jeopardy in relation to their transportation support needs.
  - c. Instead of helping to address air quality issues in the borough with environmentally-sound projects, the Mayor's remaining large transport initiative will do the opposite by encouraging journeys by car, some of which will encroach into Southwark.
  - d. Southwark Labour has so far been unsuccessful in lobbying their own Labour Mayor on backing these key public infrastructure initiatives on which its 2019 Movement Plan and regeneration plans rely.
5. Council Assembly calls on Cabinet to:
- a. Re-commit to lobbying the Mayor of London and TfL leadership to de-prioritise the Silvertown tunnel project and instead support Southwark's public transport needs to re-instate the funding for the Bakerloo line extension, Crossrail2, Rotherhithe Ferry (or bridge) and other infrastructure needs aimed at reducing road traffic in Southwark.
  - b. Revisit the areas of the 2019 Movement Plan section(s) relating to reducing road traffic with expert input from leading external visionaries to identify new approaches given the changes in priorities of TfL, and provide a comprehensive update in the next 3 months containing annual targets for reducing annual road traffic and improving air quality. This should also include assessing the impact on different communities and Council income.
  - c. Commit to reviewing the success of this revised plan every 6 months.
  - d. Commit to working with other neighbouring councils and London Councils to agree a future transport infrastructure vision and plan for inner London which eliminates road traffic in way that acceptably improves air quality and funding the required infrastructure programmes at TfL and council levels needed for the next thirty years and beyond.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

5. **MOTION FROM COUNCILLOR JAMES McASH** (Seconded by Councillor Dora Dixon-Fyle)

**Campaign to join a trade union in light of Covid-19**

1. Council Assembly notes:
  - a. That workplaces are the most common site of infection for Covid-19.
  - b. According to the Resolution Foundation, over 1 in 3 (35%) of workers are concerned about Covid-19 transmission whilst doing their job.
  - c. People on lower paid jobs are less likely to be able to work from home, increasing their risk of exposure to the virus.
  
2. Council Assembly further notes:
  - a. Research by the TUC shows that:
    - Workplaces with trade unions are safer: they have fewer cases of work-related illness, injury and fatalities.
    - Recognised trade unions have special rights to health and safety representatives, access to information from employers and involvement in the risk assessment processes.
    - Union members are likely to have better sick pay, which is vital for ensuring that staff self-isolate if they test positive.
    - Union members are likely to have a more secure job.
    - Union members are more likely to have control over their working hours, which makes it easier to juggle care responsibilities.
    - Workers in unionised workplaces get paid around 6.5% more than workers in similar non-unionised workplaces.
    - Unionised workplaces have smaller pay gaps between men and women.
  
3. Council Assembly believes:
  - a. That workers who are members of a trade union have greater protection from both Covid-19 and from its associated economic damage.
  - b. Workers who are members of a trade union have greater employment rights beyond the pandemic.
  
4. Council Assembly calls on the cabinet to:
  - a. raise awareness of the support trade unions can offer in the workplace.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

**6. MOTION FROM COUNCILLOR LEANNE WERNER (Seconded by Councillor Michael Situ)**

**Misogyny as a Hate Crime**

1. Council Assembly notes:
  - a. That the Law Commission is currently reviewing all current hate crime legislation to consider whether any additional characteristics, including misogyny, should be granted legal protection, and is due to report back to Parliament in 2020. Misogyny is not currently recorded as a hate crime by the vast majority of police forces in the UK, outside of a handful of trial areas.
  - b. That, like women and girls across the country, residents of Southwark suffer harassment and abuse every single day. A YouGov national survey in 2016 showed that 85% of women aged 18-24 were subjected to sexual harassment in public.
  - c. The adoption of misogyny as a hate crime was successfully implemented in Nottingham, where analysis showed an increase in reporting as well as an increase in the use of wider services. It also showed the vast majority of local people wanted the scheme to continue.
  - d. Studies have shown that the intersectional nature of discrimination means that women with additional protected characteristics, such as those who are BAME, disabled or LGBT+, are even more likely to experience harassment, discrimination and abuse.
2. Council Assembly thanks:
  - a. Campaigners across the country including Citizens UK, Hope Not Hate, Southall Black Sisters, Tell MAMA UK, the Fawcett Society and Stella Creasy MP who have worked hard to further this campaign.
3. Council Assembly further notes:
  - a. That Southwark Council has previously passed a cross-party motion on Promoting Equality and Valuing Diversity, which includes recognition of misogyny as a hate crime and looks to promote equality through school education and the launching of an updated equality and diversity standard (which we are currently in the process of doing).

- b. That has part of the Hate Crime Strategy, the Council has committed to petitioning the government to change the law to introduce 'gender' as a new category of protected characteristic, and to make misogyny a form of hate-crime.
  - c. That London's Labour Mayor Sadiq Khan has also backed calls for misogyny to be considered a hate crime.
4. Council Assembly calls on Cabinet to:
- a. Make a submission to the Law Commission's Consultation at the earliest opportunity in favour of strengthening hate crime legislation and making misogyny a hate crime, now that the commission has opened.
  - b. Continue to call on the Government to:
    - listen to the lived experience of women and girls across our country and to urgently act on any recommendations the commission makes to strengthen the law on hate crime, and to reform legislation around harassment to recognise as an offence a 'course of conduct' which targets women and girls in their community.
    - provide the resources and funding for police forces across the UK to effectively tackle harassment, misogyny and domestic abuse.
  - c. Call on the Metropolitan Police to record harassment of women as a hate crime, following successful trials in Nottingham and elsewhere.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

**7. MOTION FROM COUNCILLOR SARAH KING (Seconded by Councillor Peter John)**

**Supporting the Albrighton Community Fridge**

- 1. Council Assembly notes and congratulates:
  - a. The excellent work of the Albrighton Community Fridge, run by volunteers from the Albrighton Community Centre in Champion Hill ward.
- 2. Council Assembly further notes:
  - a. The massive increase in the numbers of those who have applied to the Community Fridge for support since the start of the Covid-19 lockdown in March 2020, and the ongoing need

for the food support services which are provided to many Southwark residents.

3. Council Assembly calls upon:
  - a. The Cabinet and council to continue working with the Community Fridge, other food banks and similar support services as part of the Community Hub programme, and to provide as much financial and “in kind” support as is possible to enable them to support Southwark residents facing financial hardship at this time.
  - b. the Cabinet to continue to lobby government for increased funding for the Community Fridge and food banks as part of any future submission on the financial needs of Southwark Council for the remainder of this financial year and 2021/22.

**Note:** If the motion is agreed, any proposals will be submitted to the cabinet for consideration.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Member Motions	Constitutional Team 160 Tooley Street London SE1 2QH	Andrew Weir 020 7525 7222

## AUDIT TRAIL

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services
<b>Report Author</b>	Virginia Wynn-Jones, Principal Constitutional Officer
<b>Version</b>	Final
<b>Dated</b>	13 November 2020



<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 25 November 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Refresh of the Council Plan 2018-2022	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Cabinet	

## RECOMMENDATION

1. That council assembly agrees to the proposed refresh of the Council Plan 2018-2022, which will now be referred to as the Borough Plan.

## BACKGROUND INFORMATION

2. The Council Plan is Southwark Council’s overarching business plan and sets out the programme of work that the council will achieve over the period 2018-19 to 2021-22. It is a clear statement to the residents, businesses, local voluntary/community sector organisations and other stakeholders of that programme and how the council will continue to deliver a fairer future for all in Southwark.
3. Council Assembly approved the Council Plan 2018-22 in November 2018. Since the Council Plan was adopted in 2018, the context in which the council operates and delivers services has changed significantly, particularly in the last six months as a result of the COVID-19 pandemic.
4. Southwark, like the whole country and indeed the world, has been significantly affected by the global COVID-19 pandemic. The crisis has had a huge impact on our borough and the council has played a critical role in delivering the public health response to the pandemic. The pandemic and economic fallout will also have a lasting impact on Southwark’s finances, with the council facing a £45m shortfall in our budget because of the cost of delivering our response to COVID-19 and loss in income.
5. Despite the unprecedented challenge we face as a borough, the council is committed to continuing to deliver a fairer future for all of our residents. The council has already made good progress on delivering on many of the promises set out in the 2018-22 Council Plan. In the last two years we have supported almost 2,800 Southwark residents into jobs, opened a new secondary school, launched the Great Estates programme and been officially recognised as London’s first Living Wage Borough. Reviews of progress against the Council Plan are outlined in the Annual Performance Reports for 2018/19 and 2019/20.
6. The COVID-19 pandemic and other events over the last few months have created new demands and priorities for the council, including taking the huge public health challenge of the pandemic, supporting Southwark’s local economy to recover from the significant financial hit of lockdown, and responding to the

prevalent issues of racism and inequality that have resulted in the Southwark Stands Together work. In light of the pandemic and the resulting impact on the council and the borough, some of the commitments outlined in the Council Plan will be significantly more difficult to deliver, or may need to be delivered in a different way.

7. The refreshed plan sets out the actions the council will take between now and May 2022 to continue delivering a fairer and more just borough.
8. On 8 September 2020 Cabinet agreed the proposed refresh of the Council Plan and recommended that following a period of public consultation, the document is agreed by Council Assembly.

### **KEY ISSUES FOR CONSIDERATION**

9. The council has delivered against a number of commitments since adopting the Council Plan 2018-2022, as detailed in the Annual Performance Reports for 2018/19 and 2019/20.
10. Refreshing the plan enables us to build on our achievements so far and reflect the new and emerging priorities of the council in light of the COVID-19 pandemic. In light of these developments, a number of new themes and new commitments are proposed.
11. The Council Plan set out seven “vision statements” that are at the heart of what we want to achieve for Southwark:
  - The best start in life: clean air, great schools and an opportunity to thrive
  - The quality homes that you and your family need
  - Fighting for you, on your side in challenging and uncertain times
  - A great place to live with clean, green and safe communities
  - A healthy borough where your background doesn’t determine your life chances
  - Full employment, where everyone has the skills to play a full part in our economy
  - A modern efficient council: working with the community, listening to residents and open to you.
12. The Council Plan is structured around priority themes. It is proposed that the refreshed plan adopts some revised and new priority themes, particularly recognising the significant resource and prioritisation that will be required to deliver the council’s COVID-19 responses. The eight themes set out in the refreshed plan are:
  - COVID-19 response
  - Southwark Together
  - Green and inclusive economy
  - Climate Emergency
  - Tackling health inequalities
  - Homes for all
  - Great start in life

- Thriving neighbourhoods
13. The refreshed plan contains a range of promises and commitments which the Council will deliver up to 2021/22. More detailed performance schedules, which sit beneath this council plan, have been developed for each theme. These include lead cabinet member and chief officer responsibility for each commitment apportioned across the cabinet portfolios. This ensures the whole organisation is working towards delivery of the plan.
  14. The Cabinet will receive an annual performance report on progress against the Borough Plan. The council's website will be the primary channel of regular reporting and communication on the plan, with updates also provided through our other communication channels.

### Consultation

15. In accordance with the council's constitution, the Council Plan 2018-2022 was subject to a period of consultation in 2018. This included consultation with the Forum for Equalities and Human Rights in Southwark (FEHRS) on the development of the equality analysis which supports the Council Plan.
16. A public consultation was also undertaken on the proposals in the refreshed Council Plan 2018-2022. The Council Plan refresh was published on the council's online consultation hub on 9 September 2020 and the consultation ran for 6 weeks, closing on 20 October 2020. The consultation was also publicised through the council's digital resident newsletter, which is sent to approximately 100,000 residents, and on social media. 35 responses were received from the public through the consultation hub. A summary of issues raised in feedback is outlined below:
  - The majority of respondents to the consultation said they agreed with the approach taken to refreshing the Council Plan.
  - Respondents were also asked whether they agreed that the commitments set out in each theme were the right ones. In each of the 6 themes, over half of respondents said they did agree.
  - In response to whether participants felt there was anything missing in the refreshed Council Plan, a range of issues were referenced including adult social care, education, with particular reference to diversity in the curriculum, and roads, with differing views cited on road closures. A summary of issues raised in responses is listed in the table below.

Summary of issue/comments	Council response
<b>Implementation/delivery</b> - some comments received questioned whether all of the proposals outlined in the refreshed Council Plan could be delivered within the council's limited resources.	The refreshed plan has sought to prioritise commitments in light of the significant resource and challenge of COVID-19, focusing on delivery between now and 2022.
<b>Place to call home</b> – comments on housing commitments varied	The refreshed plan includes commitments to end rough sleeping in Southwark, build new

<b>Summary of issue/comments</b>	<b>Council response</b>
widely, with issues raised including affordable and council homebuilding, homelessness, resident welfare and repairs. A small number of comments received related to specific major housing delivery programme at Aylesbury and Canada Water.	affordable homes and make it easier to book and track repairs online, and ensure more jobs are done right first time. The plan also includes commitments on estate improvement on a number of major projects, including delivery of new council homes.
<b>Climate Emergency</b> - a large number of comments on the climate proposals welcomed commitments on increasing walking and cycling opportunities, improving air quality and reducing car usage, with some people calling for the proposals to be implemented more widely or quickly. There were also some concerns raised about road closures and Low Traffic Neighbourhoods	The council will continue to prioritise work to tackle the Climate Emergency and more detail about the council's action to reduce carbon and improve the environment is set out in the Climate Emergency strategy. The refreshed plan includes a commitment to making Southwark a Low Traffic Borough with more space for walking and cycling. This will be done in consultation with residents, taking into account specific issues and concerns in different areas of the borough.
<b>Green and fair economic renewal</b> - the council's proposals on employment and the Green New Deal were broadly welcomed, alongside a range of comments on issues like the Living Wage, job creation and encouraging household energy efficiency.	The council's economic priority between now and 2022 will be rebuilding Southwark's local economy, supporting residents into work (including those who have lost their jobs because of COVID-19) and supporting local businesses, which have been significantly impacted by the pandemic and lockdowns. The council remains committed to promoting the Living Wage and ensuring that the borough's economic recovery is green and inclusive, contributing positively to the council's efforts to tackle the Climate Emergency.
<b>Tackling health inequalities</b> – issues raised included active travel, mental health services and social care. A small number of respondents raised concerns about commitments to tackle health inequalities, referring to the impact of individual choices and behaviours.	The refreshed plan includes commitments to promote active travel through the development of green links, protecting funding for mental health services and training more mental health first aiders, and investing in social care including nursing homes, residential care and extra care housing. The council recognises that tackling health issues in the borough will require individual behaviour changes as well as public health initiatives; the council will prioritise breaking down barriers that prevent residents from accessing services or leading healthy and active lives.
<b>Great start in life</b> - several comments were supportive of the 'school streets' commitment and	The council is committed to expanding the number of school streets to help more children to walk or cycle to school. The refreshed plan

Summary of issue/comments	Council response
other issues relating to young people raised included youth centres, special education needs and working with the police to tackle knife crime.	also includes a commitment to ensure youth services meet the needs of young people in our borough, and a new commitment, taken from a recommendation of the Southwark Stands Together work, to work with the police to build trust in policing particularly for Black, Asian and minority ethnic communities.
<b>Southwark Together</b> - a broad mix of comments were received on commitments around tackling racial injustices, with some explicitly welcome the commitments, while others questioning the prioritisation or suggesting that the commitments should be broadened to tackle inequalities faced by other groups.	The council is committed to tackling racism and inequality in our borough and the refreshed plan includes a number of new commitments based on recommendations taken from the Southwark Stands Together work carried out over the last few months, which involved extensive resident engagement. The Southwark Together theme in the refreshed plan now has a stronger focus on tackling inequalities, including inequalities outside of the specific Southwark Stands Together workstreams such as the new LGBTQ+ centre.

17. Southwark's Equalities and Human Rights Panel (EHRP) were also consulted on the refreshed Council Plan. Feedback from the EHRP is reflected in the final version of the refreshed plan and equalities impact assessment.
18. Following the adoption of the refreshed plan by council assembly, the council will continue to engage with local people to implement the commitments set out in the plan.

### Community impact statement

19. The purpose of this report is for council assembly to agree the proposed refresh of the Council Plan 2014-2018. Throughout the plan we have made specific commitments to equality and fairness, drawing particularly on the findings and recommendations of Southwark Stands Together, the council's borough-wide approach to tackling entrenched racism and inequality.
20. The proposed promises and commitments have been developed to have a positive impact on different sections of the community and particularly on residents who possess one or more of the protected characteristics.
21. A high level equalities analysis was undertaken on the Council Plan 2018-2022, which went to Council Assembly in November 2018 and is available as a background document. This equalities analysis has been updated to reflect the changes in the Council Plan refresh (Appendix 2). The Equalities and Human Rights Panel has been consulted and the updated equalities analysis reflects their feedback. As the proposals within the Council Plan refresh are implemented, equalities and health analyses will be carried out for each of the commitments set out in the Plan.

22. The council will continue to give due consideration to the Public Sector Equality Duty (PSED) as a positive duty to consider the promotion of equality throughout the work of the Council Plan and implementation process.

### **Policy implications**

23. The refreshed Council Plan 2018-22 acts as the council's overarching business plan, and sets out the programme of work that the council will achieve over the period until 2021/22.
24. The Council Plan articulates the vision, principles and priorities that the council will endeavour to uphold.

### **Resource implications**

25. There are no immediate resource implications arising from this report. Any additional funding required will be subject to financial appraisal and reported through the council's budget setting process.

### **Legal implications**

26. There are no immediate legal implications arising from this report. Any decisions or actions required to deliver the proposed Council Plan will be subject to the council's legal and governance procedures.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

27. In the past local authorities were subject to various duties relating to the monitoring of performance. This regime has now largely been abolished, firstly by the Local Government and Public Involvement in Health Act 2007 and subsequently the Localism Act 2011.
28. However, a local authority is still under a general duty of best value to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". The Council Plan is one of the ways the council can demonstrate that it is achieving this requirement.
29. In deciding how to fulfil the best value duty, the council is required to consult with the local community. The report sets out details of the consultation process that has been undertaken and includes responses to comments that have been made. The consultation process was carried out in accordance with the Best Value Statutory Guidance. Members should take into account the results of the consultation when deciding on the approval of the Council Plan.
30. The Council Assembly is reminded that in the exercise of its functions it must have due regard under section 149 Equality Act 2010 to the need to (a)

eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. An equalities analysis has been updated to reflect the changes to the refresh (attached as Appendix 2) and, in accordance with the equality duty, should be considered by Members when making this decision.

31. Approval of the Corporate Plan is a decision reserved to the Council Assembly in accordance with section 3A of the Constitution.

### **Strategic Director of Finance and Governance (FC16/025)**

32. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report.
33. The strategic director of finance and governance expects that financial appraisals will be carried out as any new plans are developed and will be considered as part of the budget setting process or subject to future reports, including identifying the revenue or capital resources for any new commitments.
34. Staffing and any other costs connected with this report are to be contained within existing departmental revenue budgets.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Council Plan 2018/19 – 2021/22	160 Tooley Street PO Box 64529 London SE1P 5LX	<a href="mailto:Matthew.little@southwark.gov.uk">Matthew.little@southwark.gov.uk</a> <a href="mailto:Aine.gallagher@southwark.gov.uk">Aine.gallagher@southwark.gov.uk</a>
<a href="http://moderngov.southwark.gov.uk/documents/s78193/Appendix%201%20Council%20Plan%202018-19%202021-22.pdf">http://moderngov.southwark.gov.uk/documents/s78193/Appendix%201%20Council%20Plan%202018-19%202021-22.pdf</a>		
Cabinet 8/09/20 Agenda item 9: Refresh of the Council Plan 2018-2022	160 Tooley Street PO Box 64529 London SE1P 5LX	<a href="mailto:Aine.gallagher@southwark.gov.uk">Aine.gallagher@southwark.gov.uk</a>
<a href="http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;MId=6662">http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&amp;MId=6662</a>		

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Southwark's Borough Plan 2020-22
Appendix 2	Equalities analysis

**AUDIT TRAIL**

<b>Cabinet Member</b>	Cllr Kieron Williams, Leader of the Council	
<b>Lead Officer</b>	Eleanor Kelly, Chief Executive	
<b>Report Author</b>	Aine Gallagher, Cabinet and Public Affairs Manager	
<b>Version</b>	Final	
<b>Dated</b>	12 November 2020	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	12 November 2020	





# Southwark's Borough Plan 2020-22



# Leader's foreword

As the new Leader of Southwark Council, I am proud to take forward this ambitious plan to build a better future for the people of Southwark. Our borough is an amazing place and I'm proud of the work we have done over the last ten years to deliver on our commitments to residents: to make Southwark clean, green and safe, to build more homes local people can afford, to create jobs and opportunities for residents and to give young people in our borough the best start in life. We have made good progress in delivering on many of the commitments we made in 2014 and we remain ambitious for the future, despite the significant challenges facing our borough.



The COVID-19 pandemic has had a huge impact on our borough, from residents who have sadly lost loved ones, to businesses which have been forced to close. The pandemic has also changed the way we work as a council and we have taken urgent action to respond, keeping vital frontline services operating and supporting residents and businesses through the crisis. The response of people in Southwark to the pandemic, including volunteers, frontline workers, public services, charities, faith groups and businesses, has been truly inspiring. We have shown incredible resilience as a borough and I am confident that together we will not just rebuild from the crisis, but build something better.

Responding to the pandemic and supporting our borough through this difficult period is our biggest priority, alongside working towards the borough's long-term recovery. We know that the financial impact of the pandemic is also likely to last for many years. However, COVID-19 is not the only challenge we face as a borough. The unequal impact of the pandemic on different communities has shone a light on wider inequalities and injustice in our society. My ambition as Leader is to unite communities in Southwark so we can break down that inequality. Our vision is to build a Southwark where everyone has a home, where everyone can get a decent job, where we end our carbon emissions and where everyone is empowered to make the best of their life.

This plan sets out our bold ambitions and commitments to the people of Southwark and the actions we will take between now and May 2022 to build a stronger, more equal borough. As Leader, I want to work with local communities and all of our partners across Southwark's voluntary, public and private sectors to deliver this ambition and unlock the amazing potential in every part of our borough.

**Cllr Kieron Williams**  
Leader of Southwark Council

# Introduction

This Borough Plan sets out our priorities and our promises to the people of Southwark.

The plan considers the progress we have made since we set out 4-year commitments in 2018 and consolidates our ambitions for the next two years. It reflects the significant changes that have affected the borough since 2018, in particular the COVID-19 pandemic, and the new and refreshed priorities the council is adopting in response.

Southwark, like the whole country and indeed the world, has been significantly affected by the global COVID-19 pandemic. The crisis has had a huge impact on our borough, and the council itself, which has had to fundamentally change the work we do in response. The council has played a critical role in Southwark's public health response to the pandemic, as well as keeping frontline services operating during the crisis and working with partners to develop new structures to support our residents. The pandemic and economic fallout has also had a lasting impact on Southwark's finances. The cost of our response, alongside huge loss of income, means the council is facing a significant shortfall in our budget.

Responding to the COVID-19 pandemic, supporting local residents affected and rebuilding the local economy is the council's biggest priority for the coming months and years. We must build COVID-19 resilience into our long term plans, preventing further spread of the virus and protecting residents. The pandemic has also shone a light on wider inequalities which persist in our society as a whole. Tackling inequality and injustice is a priority for the council, and we are committed to taking action identified through Southwark Stands Together, our borough-wide approach to tackling entrenched racism and injustice. The disproportionate impact of COVID-19 on Black, Asian and minority ethnic communities, and recent events around the world, have shown us how far we still need to go before we live in a world that values every life equally.

We face an unprecedented challenge as a borough but we will not let it dent our ambition for the future. This plan sets out the bold action we will take to create a fairer and more just society in our borough. We will continue to deliver new quality, affordable homes, take action to tackle the Climate Emergency, rebuild the local economy and give all young people in our borough the best opportunities in life. We will also harness the potential of partners, building alliances across London and nationally, to deliver on our ambitions.

# Our Values

Everything that we do as a council is to work towards a fairer, more equal and just Southwark. Our values inform how we will do this, and will guide our decisions and determine how we deliver on the commitments that we have made.

In 2010 we set out our vision for Southwark. A decade later, some of the challenges have changed and some of the solutions have too, but our values remain the same. We remain committed to supporting, standing up for and empowering residents. Our residents are still at the heart of everything we do and they have helped us form the values that underpin the work of the council. Our values will continue to inform all the work we do across the council and what you can expect from us.

We will:

- Treat residents as if they were a valued member of our own family;
- Be open, honest and accountable;
- Work for everyone to realise their own potential;
- Spend money as if it were from our own pocket;
- Make Southwark a place to be proud of;
- Always work to make Southwark more equal and just;
- Stand against all forms of discrimination and racism.

# COVID-19 response

COVID-19 has had a huge impact on Southwark. The pandemic has been an unprecedented challenge for the whole country, with thousands of lives tragically lost and millions more profoundly impacted. However, the community response in Southwark has also been incredible. The council, public services, voluntary sector, businesses and residents have come together to support our residents through the crisis, in ways that should make our whole community proud.

We know that there is still a long way to go to tackle the public health crisis, to stop the spread of COVID and ensure vital health services in the borough are able to recover. We will work with the NHS, local communities and businesses to respond to the crisis and to support residents through this difficult period. Through the Community Support Alliance, we will continue to build on the positive work of the council and voluntary and community organisations to support vulnerable residents during the pandemic.

## We will:

- Develop and lead a Community Support Alliance bringing together the voluntary & community sector, council, NHS and volunteers to support our communities through the pandemic and beyond, building on the work of Southwark's Community Hub
- Continue to strengthen and deliver an effective local test, trace, isolate and support programme
- Work with the NHS to promote take-up of COVID vaccination when available to relevant populations
- Support people in Southwark to understand COVID guidance and restrictions
- Support local businesses to be COVID safe and take action against the minority of businesses who risk people's health by breaking the COVID safety laws
- Provide targeted engagement and support to groups most affected by COVID, including Black, Asian and minority ethnic residents, older people and those with disabilities and long term health conditions
- Ensure social care, schools and community services have access to appropriate PPE, testing and support
- Work with the NHS to ensure a high take up of flu vaccinations
- Work with the CCG to ensure effective health recovery in Southwark
- Lobby the government to provide the funding and resources needed to effectively respond to COVID-19 and provide the support residents need

# Southwark Together

Southwark is a unique, vibrant borough and our greatest asset is our residents and communities. Our vision is for united, connected communities across the whole borough and everything we do aims to ensure that the opportunities Southwark has to offer are accessible and open to all. We know that inequality, injustice and discrimination are still huge challenges and we are committed to breaking down inequality and creating a fairer, more just society.

Although we are one borough, we have not all been equally affected by COVID-19. The pandemic, and recent events around the world, have shone a light on wider inequalities which persist in our society as a whole. As a council we have never accepted things as they are, and our ambition always has been and remains to improve the life chances of everyone who lives in our borough. Through Southwark Stands Together, our borough-wide response to entrenched racism and injustice, we have worked together with local communities to identify and implement solutions.

We are committed to working with our communities, from partners to faith groups to charities and voluntary organisations, to challenge ourselves and others to be better at every opportunity. We will take action across all areas of the council's work, and ensure that equality is embedded in everything we do. We will support the resilience, unity and cohesion of Southwark's communities, and take positive action to ensure equality of opportunity.

## We will:

- Strengthen our approach to equalities, embedding it further in everything we do as a council
- Ensure the top of the council's workforce is proportionately representative of Southwark's BAME population by 2030
- Work with partners to increase representation of Black, Asian and minority ethnic communities on Southwark boards and in other community leadership positions for example on Tenants and Residents Association committees
- Celebrate and promote the rich diversity of the borough and support Black, Asian and minority ethnic artists to create and showcase new work, including drawing up plans with the community for a Black cultural centre
- Work with the police and our Black, Asian and minority ethnic communities to strengthen trust in policing
- Increase the quality and effectiveness of the council's engagement with Black, Asian and minority ethnic communities
- Review the council's grants to make sure they develop the best value for communities and remove barriers to equal access to funding, particularly for Black, Asian and minority ethnic groups
- Make Southwark a Borough of Sanctuary, working with community groups and partners to help and support refugee, migrant and asylum seekers in Southwark, and campaign to end the Hostile Environment
- Work with the LGBTQ+ community to secure a new LGBTQ+ cultural space and ensure it meets the community's needs
- Celebrate and support Southwark's EU citizens and protect all local residents from the effects of Brexit
- Campaign to ensure the Windrush generation are compensated by the national government for past injustices
- Tackle radicalisation, extremism, and hate-crime
- Make adult learning accessible for all, including basic qualifications in English, maths and digital skills

# A green and inclusive economy

Southwark has a thriving local economy and our businesses and employers are an essential part of what makes Southwark a unique place to live and work. We are committed to growing the local economy by supporting local businesses and tackling the barriers that hold people back from securing good work. Over the last two years, we have made great strides in working towards making Southwark a full employment borough. We have supported almost 2,800 residents into jobs, created hundreds of quality apprenticeships and 66 more employers in Southwark are paying the London Living Wage. We have taken steps to address inequality and low pay and the council has been recognised as an excellent employer with accreditation from the Mayor's Good Work Standard.

The economy has been hit hard by COVID-19 and the impact on some local businesses and employment levels has been catastrophic. We have already distributed over £62 million in grants to Southwark businesses during COVID and set up a £2m Business Hardship Fund. We know that the biggest challenge our borough's economy will face over the next two years is recovering from the impact of the pandemic. We are committed to supporting local businesses through the period of renewal and we will also continue to support residents into work. We know that the pandemic will have a huge impact on young people, particularly on those students leaving school this year. We will guarantee access to education, employment, training or volunteering for every school leaver, to ensure that the pandemic does not stop them reaching their potential.

We want to grow Southwark's economy, investing in our town centres and supporting thriving sectors such as construction, cultural and creative, and biomedical, to grow. We know that any economic recovery must contribute to tackling the Climate Emergency, with support for green businesses and an ambitious Green New Deal for Southwark. Through the recovery, we will also seek to tackle the barriers which hold back individuals and businesses from playing a full part in our economy.

## We will:

- Return employment levels to where they were before COVID-19
- Help 5,000 people into work including by launching a Southwark Green New Deal to create 1,000 green jobs
- Guarantee access to education, employment, training or volunteering for every school leaver
- Provide one to one support for residents who have lost their jobs because of COVID-19 to help them re-enter the workplace
- Help Southwark's high streets to be thriving and vibrant, seeking to achieve full occupancy and encourage residents to shop local
- Grow Southwark's construction industry including by establishing a Southwark Construction Company that builds green homes and provides jobs to local residents
- Support Southwark's Black, Asian and minority ethnic-led and women-led businesses to secure contracts with public sector anchor institutions
- Protect, promote and support Southwark's creative and cultural sector
- Back new and growing green business and social enterprises, with help to access business support, affordable workspace and finance to help to deliver the new infrastructure Southwark needs
- Create new quality apprenticeships and internships
- Encourage all Southwark businesses with more than 50 employees to publish their Black, Asian and minority ethnic and gender pay gaps
- Provide effective business support to Black, Asian and minority ethnic-led businesses
- Establish a Creative and Cultural District in Camberwell and Peckham
- Develop a night-time economy plan to ensure Southwark's rich nightlife flourishes post-COVID



# Climate Emergency

Southwark declared a Climate Emergency in 2019, recognising that this is one of the biggest issues affecting our borough, the country and indeed the world. The Climate Emergency has a direct impact on Southwark residents and the situation requires urgent action at all levels of government, businesses and individuals. The council has already taken action to reduce carbon, but we know we need to go further to tackle this challenge.

We have already made good progress on our commitment to halve council emissions by 2022 and Southwark is leading the way on sustainable divestment. We have published our ambitious Climate Emergency Strategy, setting out how we will work towards making Southwark carbon neutral by 2030. We have installed over 100 lamppost charging points and 45 rapid chargers for electric cars, and made it easier for people to walk and cycle instead of driving. Our Back the Bakerloo campaign has the support of over 20,000 Londoners and we'll continue to campaign for the Bakerloo line extension, which will reduce air pollution and congestion on the roads, as well as improving transport links and accessibility in Old Kent Road.

We will go further to tackle the Climate Emergency, putting the environment at the heart of everything we do as a council. We will retrofit our council homes to make them greener and more energy efficient, and we will ensure new homes are built to the highest environmental standards. We will build on positive changes introduced during the pandemic to enable residents to walk and cycle safely by creating more space for active travel and improving air quality. We will plant thousands of new trees and continue to protect Southwark's biodiversity, for all residents to enjoy.

## We will:

- Make Southwark carbon neutral by 2030 and deliver the Southwark Climate Emergency Strategy
- Plant 10,000 new trees by 2022
- Make Southwark a Low Traffic Borough, dedicating more of our highways to zero carbon uses including walking and cycling and improving air quality by reducing car journeys
- Double the number of bike hangars in the borough by 2022 and work towards every home in Southwark having access to a safe place to keep a bike
- Continue the work we began in 2010 to halve council emissions by 2022
- Make the Old Kent Road opportunity area a carbon-neutral development
- Use council land and roofs to produce clean energy
- Divest council investments away from fossil fuels and into sustainable alternatives
- Bring forward low waste, low energy new council homes
- Work towards having electric car charging points on every street with an additional 200 charging points delivered by 2022
- Vary parking charges to discourage the most polluting vehicles
- Protect and enhance Southwark's biodiversity and make nature accessible for all
- Boost access to cycle hire
- Campaign to extend the Bakerloo Line to Old Kent Road and introduce an active travel plan for the area
- Work with the Mayor of London to improve cycling infrastructure in Rotherhithe and campaign for a river crossing that connects Canada Water to Canary Wharf
- Campaign for the reopening of Camberwell Station and promote active travel in the area

# Tackling health inequalities

In 2018 we set out our commitment to reducing health inequality, so that whatever your background you can live a healthy life. We want to break down barriers that prevent people from thriving in Southwark.

Over the last two years we have invested in mental health services, supporting over 6,000 people in the community through the Southwark Mental Health and Wellbeing Hub, and training 121 mental health first aiders. We've made it easier to cycle by delivering bikeability training for nearly 10,000 children and adults and building nearly 10km of new accessible cycling routes across the borough. Southwark has led the way with free swim and gym for all our residents and we have successfully introduced free swimming lesson pilots for adults. As our leisure centres try to recover from the significant impact of COVID-19 and the resulting closures, we are committed to ensuring our residents can continue to access high quality leisure services.

The disproportionate impact of COVID-19 has shown clearly that breaking down barriers that prevent people from living a healthy life must include tackling health inequalities that affect different communities. We are committed to closing the gap in health inequalities and tackling health issues that particularly affect our Black, Asian and minority ethnic communities. We know that COVID-19 will have a long-term impact on our borough and we will continue to deliver the public health response to the pandemic, and work to tackle issues of loneliness and mental health, which have increased as a result. We will continue to support and protect our most vulnerable residents, and we will continue to do everything we can to make it easy for residents in Southwark to lead healthy and active lives.

## We will:

- Close the gap in health inequalities that affect our Black, Asian and minority ethnic communities
- Tackle food insecurity and obesity through a borough-wide Sustainable Food Strategy
- Increase HIV testing to reduce late diagnosis, particularly in Black, Asian and minority ethnic communities
- Have zero tolerance on domestic abuse and ensure domestic abuse survivors can access high quality services and do not end up without a home
- Build trust and confidence of Black, Asian and minority ethnic patients in the health system
- Work with the CCG to develop new health hubs
- Introduce a Residential Care Charter that protects vulnerable residents and the people who are working to keep them safe
- Open two nursing homes
- Build extra care housing
- Train even more mental health first aiders
- Continue to protect adult mental health services
- Invest in our leisure centres and ensure our residents can continue to access high quality leisure services
- Make walking fun, safe and accessible by continuing to develop green links

# Homes for all

Having a decent home is the foundation of everything in life. Everyone should have a safe place they are proud to call home. We will leave no stone unturned in meeting the housing needs of our borough, including by building new quality council homes. Southwark Council is the biggest social landlord in London and we are committed to maintaining the highest standards, so all our homes are clean, safe and cared for. As more people in Southwark than ever before are living in private rented homes, we're taking action to drive up standards in the private rented sector. And we're empowering residents to make improvements on their own homes and estates, and to have a greater say in decisions which affect their communities.

We have already made progress towards our ambitious homebuilding target and we are on track to deliver 1,000 more council homes by 2022, with thousands more being designed in consultation with local residents. We've launched the Great Estates programme with a £1m pilot scheme and we are hitting our ambitious target to turn around empty homes to make them ready for new tenants to move in. We have brought housing repairs back in-house to improve standards and we've changed the rules on estate improvements like security doors so those who live on estates get the biggest say.

COVID-19 has had an enormous and detrimental impact on our borough, but it has also shown us what is possible. Southwark, like other boroughs, took quick and widespread action to get all rough sleepers off the streets of our borough. This work must continue and we have set out a ten-year vision to end homelessness in Southwark, developed in partnership with Britain's leading homelessness charities. The housing crisis means that Southwark still faces a significant shortage of affordable homes. We will continue our long-term homebuilding programme, invest in and improve our estates, and make the case nationally for the powers and resources to build the homes our residents need.

## We will:

- Increase the number of council homes in Southwark, with at least 1,000 more built or on site by 2022
- Work to end rough sleeping in Southwark, including by campaigning for an end to '*no recourse to public funds*' laws that trap people on the street
- Take action to reduce the number of empty homes in our borough, so more local people can move into them
- Introduce a Southwark Renters Union and campaign for fair rents and tenancies for private renters.
- Deliver a Southwark Gold Standard for private rental properties and clamp down on irresponsible short term lets
- Retrofit council homes to make them greener
- Secure the future of the Ledbury Estate, improving the estate for all residents and increasing the number of council homes
- Work with the community to agree major improvements to the Tustin Estate, ensuring residents have the final say and there is no reduction in council homes
- Refurbish and expand Maydeu House, increasing the number of council homes and providing new council rented key worker homes
- Deliver quality new homes for residents on the Aylesbury Estate, with no reduction in the number of social rent homes
- Introduce a new quality standard for temporary accommodation that guarantees it is good quality and families have self-contained accommodation
- Make it easier to book and track repairs to council homes online and ensure more jobs are done right first time
- Improve the reliability and energy efficiency of the heat networks that serve our council homes
- Deliver the Great Estates Guarantee initiatives so that every council estate is clean, safe and cared for
- Empower more people who live in council homes to get involved in making decisions about their homes and estates
- Lobby the government to fix the broken housing system, supporting councils to build the truly affordable homes our residents need, ensuring benefits cover the cost of renting locally, ending Right to Buy, tackling the cladding scandal and pursuing land reform

# A great start in life

Every child deserves the best start in life. We want all children and young people in the borough to grow up in a safe, healthy and happy environment where they have the opportunity to reach their potential.

Schools in Southwark have improved significantly, with 94% of schools now rated 'Good' or 'Outstanding'. Since 2018 we've opened a new secondary school in Borough and rolled out free healthy school meals to school nurseries. We've closed roads around schools to make it easier for children to walk and cycle to school, and over half of primary schools in Southwark are now taking part in the '*daily mile*'. We have improved opportunities for young people, launching the Positive Futures Fund, re-opening the Blue Youth Club in Bermondsey, and working with young people to find solutions to knife crime. We have protected funding for mental health services for children and young people and Southwark was the first council to set an ambitious target to ensure that 100% of young people with a mental health condition receive the support they need.

Schools in Southwark have gone above and beyond during the pandemic, remaining open for vulnerable and key worker children and taking necessary steps to ensure that they can safely reopen for all students. We will support schools to ensure that children do not fall behind because of COVID-19, and to close the attainment gap between the most and least advantaged pupils. We will continue to protect mental health funding and open the new Mental Health Hub in Peckham for young people, to give all our young people the best start in life.

## We will:

- Support schools to close the attainment gap and ensure children can catch up on education missed during COVID-19
- Support 100% of children and young people with a diagnosable mental health need
- Work towards 100% inclusion of pupils in Southwark schools
- Improve air quality and road safety at every primary school and introduce 60 '*school streets*' to close roads at drop off and collection time to get more children walking and cycling to school
- Invest in young people in Southwark, ensuring our youth services meet their needs and giving them a stronger voice in decisions which affect them
- Continue to provide Free Healthy School Meals to all primary school children and school nurseries
- Work with schools and the community to tackle holiday hunger and campaign for government to provide necessary funding
- Guarantee education, employment or training for every care leaver
- Work with communities to find local solutions that protect young people from community harm and exploitation, including knife crime
- Mainstream the Positive Futures Fund so that every generation of young people can benefit from this investment
- Increase activity by introducing a '*daily mile*' in all primary schools

# Thriving neighbourhoods

Southwark is our neighbourhoods. From Bermondsey to Dulwich, Peckham to Walworth, Nunhead to Rotherhithe, Borough to Camberwell, it is the diversity of our communities that makes our borough so special. We will be ambitious for each and every part of Southwark. The pandemic has made more people want or need to stay local. We must respond to that and build more prosperous, inclusive and sustainable neighbourhoods that each have the parks, shops, cafes, leisure facilities, health centres, schools and workplaces needed for their community to thrive. Places where people can give up their cars and move around easily.

We will take pride in our town centres, work with local communities and listen to residents about the things that are important to them. We will ensure that every part of the borough has good quality services that are accessible to everyone and respond to community need. Our aim is to ensure all key services, shops and leisure facilities are within a 15 minute walk or cycle.

We will work with local people to agree a plan for each part of our borough, identifying the key things that the council and partners will do to improve life and reduce inequalities in their neighbourhood. We will join up investment in our neighbourhoods, ensuring that each of our area plans is backed by a coordinated funding plan.

We will support communities to support each other, building on the incredible community response to the pandemic to support a thriving voluntary and community sector, encouraging and supporting volunteering. We will build on the work we have already done with local communities to develop charters, setting out the long-term vision of how we will ensure new development and growth leads to better outcomes, reduced inequalities and more opportunities for local people:

- [Canada Water](#)
- [Old Kent Road](#)
- [St Thomas Street](#)
- [Borough and Bankside](#)
- [Walworth](#)
- [Bermondsey and The Blue](#)
- [Camberwell](#)
- [Peckham and Nunhead](#)
- [Dulwich](#)
- [Elephant & Castle](#)

## We will:

- Develop neighbourhood charters and action plans to ensure each part of the borough is thriving and vibrant with key services and facilities within a short walk or cycle, working with local communities
- Ensure every new development has enough GPs, parks and affordable homes and is child-friendly
- Ensure that street names, public art and Southwark's local environment reflects and celebrates our diverse communities
- Provide free fast Wi-Fi for all Southwark residents in a network of community buildings across our borough
- Ensure more residents benefit from the digital revolution by piloting free and affordable broadband on council estates
- Ensure libraries retain a central role in our local communities, with continued investment and innovation
- Open the new library and heritage centre on the Walworth Road
- Open a new, modern leisure centre at Canada Water in 2023
- Deliver more pedestrian crossings including at the junction of Lordship Lane and Dulwich Common and push TfL to make all their roads in the borough 20mph
- Ensure Kingswood House continues to benefit the local community and improve facilities on the Kingswood Estate
- Restore the Walworth Town Hall with a new publicly accessible and protected community space
- Work with residents to agree an estate improvement plan for Brandon, including better facilities for young people
- Restore the historic Nunhead Cemetery East Lodge and boundary wall.
- Deliver a new library and GP Health Centre on the Aylesbury Estate
- Create a network of accessible toilets and baby changing facilities
- Provide a responsive noise nuisance service
- Have zero tolerance on fly tipping and increase enforcement action by targeting hot spots
- Protect your finances, spend money wisely during a difficult financial period and only increase council tax to protect services for the most vulnerable



# **Council Plan 2018-2022: 2020 Refresh Equalities Analysis**

**November 2020**

## Section 1: Equality analysis details

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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>		Refresh of the Council Plan 2018-2022			
<b>Equality analysis author</b>		Aine Gallagher			
<b>Strategic Director:</b>		Eleanor Kelly			
<b>Department</b>		Chief Executive's	<b>Division</b>	External Affairs	
<b>Period analysis undertaken</b>		June to November 2020			
<b>Date of review (if applicable)</b>		<p>The council plan as the overarching business plan is subject to regular monitoring, including annual review. Individual commitments that make up the plan, and associated equalities analysis, are reviewed in accordance with this and other local service business planning arrangements.</p> <p>Commitments will be achieved at differing timescales and will be subject to relevant analysis at the appropriate pre-implementation stage and subsequently in line with local service planning arrangements. As such, much of the detailed equality analysis and analysis of impact will be addressed through local services plans and relevant documentation.</p>			
<b>Sig n-off</b>	Louise Neilan	<b>Position</b>	Head of External Affairs	<b>Date</b>	12/11/20

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## Section 2: Brief description of policy/decision/business plan

### 1.1 Brief description of policy/decision/business plan

The Council Plan is the council's overarching business plan. The Council Plan for 2018/19 to 2021/22 was agreed by Cabinet in October 2018, following a period of public consultation, and approved by Council Assembly in November 2018.

The Council Plan describes our vision for the borough. It sets out our priorities and our promises to the people of Southwark. It also makes a number of commitments to equality and fairness in line with our approach to equality.

As a council we are committed to taking steps to ensure that we meet our commitments under the Public sector equality duty. This means that we will pay due regard to:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity, including finding out about and meeting diverse needs of our local communities, addressing disadvantage and barriers to equal access; enabling all voices to be heard in our engagement and consultation undertaken
- Fostering good community relations; to be a borough where all feel welcome, included, valued, safe and respected.
- Being a borough which tackles prejudice and promotes celebration and understanding of the rich diversity of its communities
- Being a borough where your background does not determine your life chances.

Since the Council Plan was adopted in 2018, the context in which the council operates and delivers has changed significantly, particularly in the last six months because of COVID-19. The crisis has had a huge impact on our borough and the council has had to change the way we operate to respond to the pandemic. Our response, as well as the wider economic effects of the pandemic, has had a significant impact on the council's finances. The pandemic has also shone a light on wider inequalities which persist in our society as a whole. The council is seeking to tackle these inequalities by identifying and implementing solutions and taking positive action to ensure equality of opportunity.

The refreshed Council Plan considers the progress we have made since 2018 and consolidates our ambitions and priorities for the next two years. It reflects the significant changes that have impacted the borough since 2018, in particular the COVID-19 pandemic, and the new and refreshed priorities the council is adopting in response.

The Council Plan impacts what every council team and member of staff does, meaning that we all work together to achieve our shared goals. We are

committed to being transparent and accountable about our progress in delivering the Council Plan and we produce an annual performance report outlining progress against the Council Plan commitments, which is published on the council website.

An equalities impact assessment was carried out for the Council Plan 2018-2022 which is [available on the council website](#). Equalities impacts have also been considered during the implementation of specific policies contained within the Council Plan, and this will continue as new policies are delivered over the next two years. As this report is a refresh of that policy, the equalities impact assessment focuses on new and amended commitments within the refreshed Council Plan.

### Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
<b>Key users of the department or service</b>	<ul style="list-style-type: none"> <li>• All residents</li> <li>• Businesses and business organisations</li> <li>• Partners of the council, including NHS</li> <li>• Faith groups</li> <li>• Charities and voluntary sector organisations</li> <li>• Community leaders and those who help look after their local areas</li> <li>• Visitors to the borough</li> </ul>
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>The Council Plan 2018-2022 closely reflects the contents of the Southwark Labour manifesto which had wide public engagement during the local elections in May 2018.</p> <p>In accordance with the council's constitution and budget and policy framework, the Council Plan and proposals within it have been subject to public consultation. The draft Council Plan was published on the council's online consultation hub on 28 June 2018 and the consultation ran for nine weeks, closing on 31 August 2018. The draft Council Plan was also reviewed by the Forum for Equality and Human Rights (FEHRS) and Southwark's "Equality and Human Rights Panel" (EHRP), an external panel chaired by Citizen's Advice Bureau.</p> <p>Following the agreement of the draft Council Plan refresh by Cabinet in October 2020, a public consultation on the Plan was held, running for six weeks from 8th September to 20<sup>th</sup> October. Feedback from the consultation and engagement with the Equality and Human Rights Panel (EHRP) has also fed into the final plan, which will be agreed by Council Assembly on 25 November.</p> <p>Following the adoption of the Council Plan in 2018, the council has engaged with local people to implement the commitments set out in the Plan. We will continue to engage on the plan over the next two years.</p>

## Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

The first column on the left is for societal and economic issues (discrimination, higher poverty levels) and the second column on the right for health issues, physical and mental. As the two aspects are heavily interrelated it may not be practical to fill out both columns on all protected characteristics. The aim is, however, to ensure that health is given special consideration, as it is the council's declared intention to reduce health inequalities in the borough. The Public Health Team can assist with research and data.

<b>Age</b> - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
<p>The commitments in the refreshed Council Plan will have a range of impacts on people of all ages in the borough.</p> <p>The COVID-19 pandemic has had a significant negative impact on many older people, not just in terms of health outcomes but also issues such as loneliness and social isolation, challenges accessing services, and reduced contact with family and friends due to shielding and social distancing restrictions. The council will build on the positive work of the Community Hub during the COVID-19 pandemic and work with the voluntary and community sector to continue to support vulnerable people. This includes older people, both in providing support through the hub and building on volunteering to tackle loneliness.</p> <p>COVID-19 has had also a particularly high impact on young people and children in our borough, and the</p>	<p>The refreshed plan includes a number of commitments related to the council's response to the COVID-19 pandemic, which particularly affects older people (alongside as other demographics). This includes working with the NHS, local community and businesses to stop the spread of COVID-19, delivering an effective local test and trace programme and supporting residents and businesses to follow national guidance and restrictions. According to PHE data, the rate of diagnosed cases of COVID-19 increases with age and for people with a positive test, those 80 or older were seventy times more likely to die compared with those under 40. The refreshed plan also includes a commitment to work with the NHS to ensure a high take up of flu vaccinations, which is particularly important for older people and young children.</p> <p>Recognising the significant negative impact that poor mental health can have</p>

refreshed Council Plan includes new commitments to support schools to close the attainment gap and ensure children can catch up on education missed during the pandemic. There is also a new commitment to guarantee access to education, employment, training or volunteering for every school leaver, recognising the impact that the pandemic is likely to have on the future employment prospects for this age group.

Further commitments in the refreshed plan which will have a positive impact on young people include mainstreaming the Positive Futures fund, so that young people can continue to benefit from this investment, and working with young people to find local solutions to community harm and exploitation including knife crime. The refreshed plan also includes a new commitment to ensure Southwark's youth services meet the needs of young people, following a review of youth services, and ensuring that young people have a voice in decisions which affect them.

Commitments to return employment levels to where they were before COVID-19, to help 5,000 people into work and provide one-to-one support for residents who have lost their jobs because of COVID-19, will particularly help those groups who have been most negatively affected in employment by the pandemic, including [young people](#) (under the age of 25) and [older people](#) (aged 50+). The council's economic renewal plan includes a specific commitment to young people, recognising the challenges of the post pandemic labour market.

The refreshed plan also includes ongoing delivery of many of the commitments that are set out in the 2018-2022 plan which will have a positive impact on specific age groups,

on young people, and the challenges for many young people in accessing appropriate mental health services, the refreshed plan includes a new commitment to support 100% of children and young people with a diagnosable mental health need.

Commitments to create more space for walking and cycling and reduce car journeys, to campaign for improved public transport facilities, and introduce 60 'school streets' will improve air quality which will have a positive impact on health for all ages, but particularly young people and children.

<p>including safe pedestrian crossings, digital skills, the provision of GPs and parks, free school meals, nursing homes and extra care housing, and the Residential Care Charter (more detail is outlined in the <a href="#">2018 Equality Impact Assessment</a>).</p> <p>One commitment outlined in the Council Plan 2018-2022 which has not been included in the refresh is free theatre visits for every primary school child, which would have a positive impact on young people of all backgrounds. Due to the impact of COVID-19 on theatres it will not be possible to deliver this commitment as planned by 2022. However, the council remains committed to ensuring children in the borough are able to access Southwark's rich cultural offer no matter what their background, and the viability of this specific commitment will be reviewed ahead of the 2022 Council Plan.</p>	
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<ul style="list-style-type: none"> <li>- <a href="#">Southwark Skills Strategy</a></li> <li>- <a href="#">Southwark Works equality analysis</a></li> <li>- <a href="#">Southwark Economic Renewal Plan</a></li> <li>- <a href="#">Southwark Works equality analysis</a></li> <li>- <a href="#">Southwark Extended Learning Review 2019</a></li> <li>- <a href="#">Southwark Serious Youth Violence Panel Report 2019</a></li> </ul>	<ul style="list-style-type: none"> <li>- <a href="#">Southwark annual public health report</a></li> <li>- <a href="#">Southwark profile (JSNA)</a></li> <li>- <a href="#">Southwark Health Inequalities Framework 2020</a></li> <li>- <a href="#">Public Health England: Disparities in the risk and outcomes of COVID-19</a></li> <li>- <a href="#">Air quality JSNA</a></li> <li>- <a href="#">Southwark Child Health Profile 2019</a></li> <li>- <a href="#">Open Access Children and Young People – CAMH Commission</a></li> <li>- <a href="#">Review of Child and Adolescent Mental Health and Emotional Wellbeing Services in Southwark</a></li> </ul>
<p><b>Mitigating actions to be taken</b></p>	

Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.	
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**Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Potential impacts (positive and negative) of proposed policy/decision/business plan**

**Potential health impacts (positive and negative)**

Many of the commitments in the Council Plan will positively impact on disabled people in the borough.

The commitment to support 5,000 people into work and provide one-to-one support for people who have lost their job because of COVID-19 will be primarily delivered through Southwark Works. Under the Southwark Works Framework commissioned by the council, people with disabilities are able to better access support with specific lots being designed for people with disabilities, for example a focus on mental health and physical and learning disabilities. There will also be provision for young people with SEND in the 'vulnerable young persons' lot. In addition, other providers will engage and work with employers to secure vacancies for any client and ensure recruitment policies are inclusive; specifically with the needs of potential and current employees with disabilities.

The council monitors outputs for Southwark Works based on all demographics, to ensure there is equality of outcome delivered by the service. We will also be performing an impact evaluation of the Southwark Works service early 2021 to inform new Southwark Works contracts (due to

Approximately 13% of people living in inner London have a disability, equating to 40,700 people in Southwark. COVID-19 has a disproportionate negative impact on people with disabilities, as certain underlying health conditions make individuals more vulnerable to the virus. The council is addressing this disproportionate impact through commitments relating to the council's response to COVID, including working with NHS and partners to stop the spread of COVID-19, and to continuing to provide support for vulnerable residents building on the successful work of the community hub.

Mental health problems represent the single largest cause of disability in the UK and it is estimated that almost one in five adults in Southwark are experiencing a common mental disorder, equating to approximately 47,000 individuals. An estimated 2,550 children and young people in Southwark suffer from a mental health disorder. There has also been an increase in demand for mental health support for young people during the COVID-19 pandemic. The refreshed plan includes a commitment to continue to protect adult mental health services, and to support 100% of

<p>begin June 2021). The council is also working closely with the Central London Forward (CLF) commissioned Work and Health Programme (Central London Works) which has a particular focus on supporting people with health and disabilities into employment.</p> <p>Children with certain disabilities and underlying health conditions are more likely to be negatively impacted by COVID-19, both in terms of health and education due to increased likelihood of missing out on school due to shielding. The refreshed Council Plan includes a commitment to support schools to ensure children are able to catch up on education missed as a result of the pandemic.</p> <p>Homelessness and rough sleeping remains a significant challenge in Southwark and national data shows that physical and mental health needs are a key vulnerability reported in homelessness cases. The refreshed plan includes a commitment to end rough sleeping in Southwark.</p>	<p>young people with a diagnosable mental health need, a significant ambition which puts Southwark ahead of many other boroughs.</p> <p>As an employer, the council is committed to training even more mental health first aiders, and working with partners to develop an ongoing Council-wide mental health awareness and stigma programme for all staff.</p>
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<ul style="list-style-type: none"> <li>- <a href="#">Southwark Works equality analysis</a></li> <li>- <a href="#">Southwark Economic Renewal Plan</a></li> <li>- <a href="#">ONS: UK homelessness</a></li> </ul>	<ul style="list-style-type: none"> <li>- <a href="#">Southwark annual public health report</a></li> <li>- <a href="#">Southwark profile (JSNA)</a></li> <li>- <a href="#">Southwark Health Inequalities Framework 2020</a></li> <li>- <a href="#">Public Health England: Disparities in the risk and outcomes of COVID-19</a></li> <li>- <a href="#">Open Access Children and Young People – CAMH Commission</a></li> <li>- <a href="#">Review of Child and Adolescent Mental Health and Emotional Wellbeing Services in Southwark</a></li> </ul>



<b>Mitigating actions to be taken</b>	
Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.	

<b>Gender reassignment</b> - The process of transitioning from one gender to another.	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
<p>The Council Plan includes an ongoing commitment to tackling hate crime in all forms, celebrating and promoting the diversity of the borough and embedding equality further in everything we do as a council. This work will include the review of the council's diversity standard and equality framework.</p> <p>The council has specific commitments in the Workforce Strategy in relation to development of guidance for managers regarding gender identity.</p>	
<b>Equality information on which above analysis is based.</b>	<b>Health data on which above analysis is based</b>
The Council has reviewed current equality monitoring analysis information collected, including revision of current equality monitoring categories to include gender identity. We will continue to monitor any recommendations arising from central government's consultation on the Gender Recognition Act 2004.	
<b>Mitigating actions to be taken</b>	
Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.	

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<p><b>Marriage and civil partnership</b> – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. <b>(Only to be considered in respect to the need to eliminate discrimination.)</b></p>	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
None identified at this stage	
Equality information on which above analysis is based	Health data on which above analysis is based
Mitigating actions to be taken	
Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.	

<p><b>Pregnancy and maternity</b> - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p>	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The continued commitment to create a network of accessible toilets and baby changing facilities will positively impact those with caring responsibilities for babies and	

<p>toddlers who will have greater access to toilet and changing facilities.</p> <p>As identified in the 2018 Council Plan EIA, although outside of the 'maternity' definition, it is recognised that the period away from work owing to pregnancy and childcare are a contributory factor to the gender pay gap. We are committed to promoting family-friendly employment policies through our own commissioning. More widely, the council is ensuring all contractors publish their gender pay gap and plans to reduce it, and has committed to encouraging all Southwark businesses with over 50 employees to publish their gender pay gaps.</p>	
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<ul style="list-style-type: none"> <li>- <a href="#">Southwark Works equality analysis</a></li> <li>- <a href="#">Southwark Economic Renewal Plan</a></li> <li>- <a href="#">Southwark profile (JSNA)</a></li> </ul>	
<p><b>Mitigating actions to be taken</b></p>	
<p>Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.</p>	

<p><b>Race</b> - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others</p>	
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>	<p><b>Potential health impacts (positive and negative)</b></p>
<p>Recognising that racial inequalities continue to be a significant challenge in our society, the refreshed Council Plan includes a number of specific commitments to tackle racial inequality and injustice. This builds on the</p>	<p>The disproportionate impact of COVID-19 on Black, Asian and minority ethnic individuals has shone a light on health inequalities in our society, many</p>

work of Southwark Stands Together, the council's response to a number of global issues including the murder of George Floyd and the resulting Black Lives Matter protests, and the disproportionate impact of COVID-19 on Black, Asian and minority ethnic (BAME) individuals.

Southwark Stands Together is a cross council, wide reaching programme of work which seeks to root out and tackle racial inequalities and injustice. The refreshed plan includes a number of commitments based on recommendations from Southwark Stands Together, which was agreed by Cabinet in September 2020 following a period of significant engagement and consultation, with the action plan and next steps being agreed by Cabinet in October 2020. This includes:

- Supporting Black, Asian and minority ethnic artists to create and showcase new work, including drawing up plans with the community for a Black cultural centre
- Working with partners to increase representation of Black, Asian and minority ethnic communities on Southwark boards and in other community leadership positions
- Increasing the quality and effectiveness of the council's engagement with Black, Asian and minority ethnic communities
- Reviewing the council's grants to make sure they develop the best value for communities and remove barriers to equal access to funding, particularly for Black, Asian and minority ethnic groups
- Working with the police and our Black, Asian and minority ethnic communities to strengthen trust in policing
- Supporting Black, Asian and minority ethnic-led businesses in Southwark to secure contracts with public sector anchor institutions
- Encouraging all Southwark businesses with more than 50 employees to publish their Black, Asian and minority ethnic pay gaps

The Council Plan also recognises and seeks

of which are linked to wider determinants such as deprivation, occupation and housing. The refreshed Council Plan includes a commitment to close the gap in health inequalities which affect our Black, Asian and minority ethnic communities, and the council will work closely with the NHS and health partners to deliver this commitment.

Southwark has the second highest HIV prevalence in England: there are currently just over 2,600 people living in the borough who have been diagnosed with HIV. However, the number of new cases of HIV in the borough continues to fall, with levels falling by more than half between 2011 and 2018. The refreshed plan includes a commitment to increase HIV testing to reduce late diagnosis, particularly in Black, Asian and minority ethnic communities.

<p>to tackle inequalities based on race, nationality and citizenship. This includes campaigning for an end to the ‘no recourse to public funds’ laws that trap people on the street; campaigning to ensure the Windrush generation are compensated by the national government for past injustices; and making Southwark a Borough of Sanctuary, working with community groups and partners to help and support refugee, migrant and asylum seekers in Southwark, and campaigning to end the Hostile Environment.</p> <p>As an employer, the council is committed to modelling best practice and the refreshed plan includes a commitment to strive to ensure the council’s workforce reflects the local community it represents at every level of the organisation. The refreshed plan includes a commitment to ensuring the top of the council’s workforce is proportionately representative of Southwark’s Black, Asian and minority ethnic population by 2030.</p>	
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<ul style="list-style-type: none"> <li>- <a href="#">Southwark Economic Renewal Plan</a></li> <li>- <a href="#">Southwark Stands Together Joint Health and Equality Analysis</a></li> <li>- <a href="#">Southwark Stands Together HIA summary</a></li> <li>- <a href="#">Southwark Stands Together Engagement Analysis</a></li> </ul>	<ul style="list-style-type: none"> <li>- <a href="#">Public Health England: Beyond the data: Understanding the impact of COVID-19 on BAME groups</a></li> <li>- <a href="#">Southwark Annual Public Health Report 2019: Statistical Appendix</a></li> <li>- <a href="#">Lambeth, Southwark and Lewisham sexual and reproductive health strategy 2019-24</a></li> </ul>
<p><b>Mitigating actions to be taken</b></p>	
<p>Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage. This will include secondary research and engagement with local community and voluntary organisations to find out about needs to help inform services.</p>	

<p><b>Religion and belief</b> - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
<p>As outlined in the 2018 Council Plan EIA, a number of council plan commitments will have a positive impact on fostering good community relations, including working together with local communities to tackle radicalisation, extremism, and hate-crime; and celebrating and promoting the rich diversity of the borough.</p> <p>Faith groups have played an important role in the implementation of a number of areas of work outlined in the Council Plan refresh, including supporting vulnerable residents through the community hub, tackling inequalities through the Southwark Stands Together work, and finding local solutions to tackle knife crime.</p>	
Equality information on which above analysis is based	Health data on which above analysis is based
<ul style="list-style-type: none"> <li>- <a href="#">Protected characteristics JSNA 2017-18</a></li> <li>- <a href="#">Census 2011 data on Faith and Religion</a></li> </ul>	
Mitigating actions to be taken	
<p>Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.</p>	

**Sex** - A man or a woman.

Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
<p>We are committed to promoting equal opportunities employment policies through our own commissioning, and more widely the council has implemented the Council Plan commitment to ensure all our contractors must publish their gender pay gap and plans to reduce it, through the Fairer Future procurement framework. The refreshed plan includes a commitment to go further than this, to encourage all Southwark businesses with more than 50 employees to publish their Black, Asian and minority ethnic and gender pay gaps, and to support Southwark Black, Asian and minority ethnic-led and women-led businesses to secure contracts with public sector anchor institutions. Evidence has shown that women have been disproportionately impacted by COVID-19 in employment. We will monitor the implementation and delivery of the commitments to support 5,000 residents into work and provide one-to-one support for residents who have lost their jobs because of COVID-19, to ensure that women are supported.</p> <p>Through the Council Plan and Economic Wellbeing Strategy there is an ambition that there is genuine pay equality in Southwark and for Southwark residents, and we continue to embed the principles of equal pay and family friendly work practices across all our services and promote, influence strategically, and lobby nationally for fair wages and the elimination of the gender pay gap.</p> <p><a href="#">Women are disproportionately impacted by domestic abuse</a>. The refreshed Council Plan continues to prioritise domestic abuse survivors over abusers to ensure they do not</p>	

<p>end up without a home, and commits to ensuring survivors can access high quality services, and a zero-tolerance policy on domestic abuse.</p> <p>The Council Plan 2018-2022 included a commitment to develop a Violence Against Women and Girls strategy to tackle all forms of gender based violence, which has now been delivered.</p>	
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
<ul style="list-style-type: none"> <li>- <a href="#">Southwark Economic Renewal Plan</a></li> <li>- <a href="#">Southwark Domestic Abuse Strategic 2015-2020</a></li> <li>- <a href="#">Southwark Violence Against Women and Girls Strategy 2019-2024</a></li> </ul>	
<b>Mitigating actions to be taken</b>	
<p>Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.</p>	

<b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
<p>Research from the Office for National Statistics suggests that Southwark has one of the largest gay and lesbian populations in the country, where 5% (12,000 people) of the population of Southwark identify as being gay or lesbian, compared to only 2% of the entire London population and 1% in England. Estimates of those identifying as either bisexual, transgender are not considered reliable enough for practical use.</p>	<p>Rates of HIV and STIs in south east London (Southwark, Lambeth and Lewisham) are the highest in England. There are persistent inequalities in sexual and reproductive health and men who have sex with men (MSM) are one of the groups which suffer the greatest burden. Effective testing, especially of at risk groups, is recognised as a key component of prevention</p>



<p>The refreshed plan includes a commitment to work with the LGBTQ+ community to secure a new LGBTQ+ cultural space and ensure it meets the community's needs. Other commitments to tackle radicalisation, extremism, and hate-crime, and to celebrate and promote the rich diversity of the borough, are also likely to have positive impact on LGBTQ+ residents.</p>	<p>strategy. The plan includes a commitment in the plan to increase HIV testing to reduce late diagnosis, which should have a positive impact on MSM as well as other demographics.</p>
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<p>- <a href="#">Southwark Annual Public Health Report 2019: Statistical Appendix</a></p>	<p>- <a href="#">Lambeth, Southwark and Lewisham sexual and reproductive health strategy 2019 to 24</a></p>
<p><b>Mitigating actions to be taken</b></p>	
<p>Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.</p>	

<p><b>Socio-economic disadvantage</b> – although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough. Socio economic status is the measure of an area's, an individual's or family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.</p>	
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>	<p><b>Potential health impacts (positive and negative)</b></p>
<p>The council recognises that socio-economic disadvantage can have a significant impact on the ability of individuals to live healthy lives, to access employment opportunities and to fulfil their potential. We are committed to ensuring that every resident in Southwark has access to opportunities, and that life chances are not determined by background.  Specific commitments which seek to address</p>	<p>Socio-economic background has a significant impact on health outcomes, including life expectancy. The refreshed Council Plan includes a number of commitments which seek to tackle health inequalities and improve public health, including mental health support, free school meals and tackling</p>

socio-economic disadvantage include providing one-to-one support for residents who have lost their jobs because of COVID-19, and making adult learning accessible to all, including basic qualifications in English, maths and digital skills.

Young people from socio-economic disadvantaged families are more likely to be disproportionately impacted in education as a result of COVID-19 and the closure of schools during the pandemic. Recognising this, the refreshed Council Plan includes a commitment to support schools to close the attainment gap.

The proportion of people in the social housing sector who are from lower socio-economic backgrounds is greater than their representation in the borough as a whole. Residents who are on lower incomes are also disproportionately likely to suffer from poor housing conditions and overcrowding, including in the private rented sector. The council has sought to tackle this through a number of Council Plan commitments, including building new council homes, guaranteeing council estates are clean, safe and cared for, delivering a Gold Standard for private rented homes

Specific new commitments related to housing in the refreshed council plan which are likely to have a positive impact on socio-economic disadvantage include:

- Ending rough sleeping in Southwark, including campaigning for an end to '*no recourse to public funds*' laws that trap people on the street
- Lobbying the government to fix the broken housing system
- Tacking action to reduce the number of empty homes
- Improving and expanding council estates with more council homes, including the Tustin, Maydew and the Aylesbury
- Introducing a new quality standard for temporary accommodation that guarantees it is good quality and families have self-

holiday hunger, promoting physical activity in schools, and working with the CCG to develop new health hubs.

Poor air quality has a disproportionate negative impact on the health of residents from lower socio-economic groups. We will seek to tackle this by improving air quality across the borough, by creating more space for walking and cycling and reducing car journeys, and introducing more 'school streets' to improve air quality around schools.

contained accommodation	
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
- <a href="#">Southwark Housing Strategy 2020</a>	<ul style="list-style-type: none"> <li>- <a href="#">Public Health England: Disparities in the risk and outcomes of COVID-19</a></li> <li>- <a href="#">Southwark annual public health report</a></li> <li>- <a href="#">Southwark profile (JSNA)</a></li> <li>- <a href="#">Air quality JSNA</a></li> </ul>
<b>Mitigating actions to be taken</b>	
Council Plan commitments will have equality analysis undertaken at the relevant pre-implementation stage.	

### Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

### Potential impacts (positive and negative) of proposed policy/decision/business plan

Our commitment to equality and justice runs throughout this plan, both in the commitments we make to the people of Southwark, and the way we deliver services every day. As a council we are committed to taking all necessary steps to meet our commitments to equalities under the Public Sector Equality Duty, including regularly reporting back to the public so they can hold us to account.

As a Council we are fully committed to implementation of the Human Rights Act as relevant to Council services and functions. Implementation of Council Plan commitments at service level will be fully informed by an equality analysis process, which will include areas of the Human Rights Act as relevant.

No specific Human Rights impacts have been identified.

<b>Information on which above analysis is based</b>
<b>Mitigating actions to be taken</b>

## **Section 5: Further actions and objectives**

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The Council Plan is the council's overall business plan made up of a series of individual commitments that are delivered over the four year period. This refresh updates the Council Plan and sets out the priorities and objectives which will be delivered to May 2022. Commitments will be achieved at differing timescales and will be subject to relevant analysis at the appropriate pre-implementation stage and subsequently in line with local service planning arrangements. As such, the detail of this section will be set out through local business plans and other such supporting material.

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 25 November 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		London Borough of Southwark – Statement of Licensing Policy 2021-2026	
<b>Ward(s) or groups affected:</b>		All wards	
<b>From:</b>		Licensing Committee	

## RECOMMENDATION

1. The Licensing Committee recommends that Council Assembly considers the results of the public and statutory consultation conducted on the implementation of the Statement of Licensing Policy 2021-2026 (Appendix A).

## BACKGROUND INFORMATION

2. The Licensing Act came into effect on 25 November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshment, to be administered by the local Licensing Authority.
3. Section 5 of the Act requires each licensing authority to prepare and publish a Statement of Licensing Policy every five years. The policy statement is expected to set out, for the benefit of applicants, responsible authorities and members of the local community, how the Authority intends to approach its licensing responsibilities under the Act. Each Authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary.
4. The initial Southwark statement of licensing policy was considered and approved by the full council assembly on 6 December 2004. It was compiled with regard to the provisions of the Act, secondary regulations and guidance that had been issued by the Department of Culture Media and Sport (DCMS). The statement has been kept under review since and last came to full Council on 27 March 2019 as part of a mid-term review. The current version of the policy is for the period 2021 – 2026.
5. Every revision of the policy is required by law to be subject of full public consultation. Details of the public consultation on this revision are set out in this report.
6. Council Assembly is asked to consider the responses to the public consultation on the policy in order to adopt it for publication.

## **KEY ISSUES FOR CONSIDERATION**

7. The meeting of the full Licensing Committee was held on 09 September 2020. Members considered the draft Statement of Licensing Policy 2021-2026 and decided to recommend that the Council Assembly approve the Policy.
8. A copy of the proposed Statement of Licensing Policy is provided in Appendix A.

### **The purpose of the Policy**

9. The purpose of the statement of policy is set out in section three of the document, as follows:
  - To reinforce to elected members on the licensing committee, the powers and constraints placed upon the local authority as licensing authority by the 2003 Act;
  - To set out, for the benefit of prospective applicants; responsible authorities; local residents; and licensed operators; the parameters under which this authority will make its licensing decisions;
  - To inform prospective licensees how a licensed premises is likely to be able to operate within its area;
  - To inform local residents and licensed operators how their needs will be addressed;
  - To minimise the number of licensing decisions that may be challenged in a court of law.

### **The Licensing Objectives**

10. Central to the statement of policy is the promotion of the four licensing objectives established under the Act. These are:
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.

### **Amendments to the Policy**

11. Amendments to the Policy were considered in three stages and are available in the following appendices:

Appendix B: Policy amendments agreed by Licensing Committee 04 November 2019

Appendix C: Summary of changes to the Southwark Statement of Licensing Policy following the public consultation

Appendix D: Policy amendments agreed by Licensing Committee 9  
September 2020

### **Resource implications**

12. The revision and update of the Southwark statement of licensing policy does not have any resource issues in itself. Where new initiatives referenced within the policy statement have resource implications these will have to be, subject to consultation, lead member/licensing committee or Cabinet approval prior to implementation. The necessary reports to introduce the new initiatives will include a section on resource implications.
13. This policy is mainly advisory/informative, providing guidance to the licensing committee, licence applicants, residents and businesses. Costs associated with implementing the existing policy are currently met from the licensing revenue budget.

### **Consultation**

14. Public consultation of the revision of the Southwark statement of licensing policy has been undertaken in accordance with section 5(3) of the Licensing Act 2003.
15. The consultation was introduced by circular letter sent to:
  - The chief officer of the police via the delegated Southwark licensing officer;
  - The fire authority;
  - Representatives of holders of premises licences; club premises certificate;
  - holders; and personal licence holders;
  - Representatives of businesses and residents;
  - All responsible authorities specified under the Act.
16. The consultation was displayed on the council web site with a copy of the draft policy made available and was conducted via an online questionnaire.
17. The policy consultation was advertised in the local press and at Southwark buildings.
18. The consultee responses and officer comments are available in Appendix E.
19. The comments highlight the points of the Policy that have been updated as a result of the consultation. The feedback was generally positive. Some respondents used the consultation to raise complaints about their area, or about specific premises. Those respondents have been contacted individually to be provided with advice and support.

## **COVID-19**

20. It should be noted that primary legislation around alcohol sales has been amended, to support the industry and the Governments response to the emergency, but this is for a limited period only. This Policy will surpass that period.
21. Government guidance is evolving at such a pace and the situation so dynamic that at this time it is unlikely that anything of long term significance will result and therefore would not be suitable for the Policy. The introduction of the Policy that it should be read in conjunction with any legislation and timely government guidance. Obviously should evidence emerge and international and national approaches evolve and change, the authority can always update our policy in due course to reflect the more permanent changes.

## **Community Impact Statement**

22. Southwark's Statement of Licensing Policy sets out to achieve a necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and 24hour 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.
23. 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.

## **Public Sector Equality Duty**

24. Equality impact assessments are an essential tool to assist councils to comply with the equalities duties and to make decisions fairly. Equalities and human rights impact assessments that are carried out should be mindful of the protected characteristics under the Equality Act 2010. An assessment was carried out before amendments were made to the draft Policy and have been reconsidered throughout the consultation process. A further assessment was carried out following the public and statutory consultation in preparation for returning to the Licensing Committee and Members held this in mind when agreeing to accept the Policy. The current assessment is available in Appendix F.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law & Democracy**

25. The Licensing Act 2003 ("the 2003 Act") requires the Council, as the licensing authority, to prepare and publish a statement of its licensing



policy every three years.

26. In determining its policy, the Council is exercising a licensing function and as such must have regard to the Guidance issued by the Secretary of State under section 182 of the 2003 Act. It must also give appropriate weight to the views of those persons/bodies listed in section 5(3) of the Act which it is required to consult before determining its policy.
27. Although the Guidance represents best practice, it is not binding on the Council. As long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. In this event they will need to give full reasons for their decisions, which must be consistent with the objectives of the 2003 Act.
28. The Council is required to have regard to the statement of licensing policy and make decisions in accordance with it. Licensing authorities may depart from their policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. In this event it is important that full reasons are given for departing from the published statement of licensing policy.
29. Members should note that the 2003 Act imposes a duty on the Council, as the licensing authority, to carry out its functions under the Act with a view to promoting the four licensing objectives, namely:
  - the prevention of crime and disorder
  - the promotion of public safety
  - the prevention of public nuisance
  - the protection of children from harm
30. Each of these objectives is of paramount and equal importance. There are no other licensing objectives and therefore the Council cannot reject an application for a licence or impose conditions on a licence for any purpose unrelated to the promotion of these objectives. For example, whether or not there is a 'need' for another licensed premises in a given area is a matter for planning committees but is not a matter for a licensing authority in its statement of licensing policy or in discharging its licensing functions.
31. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider when adopting its statement of licensing policy. The Guidance explains 'cumulative impact' as the potential impact on the promotion of the licensing objectives – for example crime and disorder and/or public nuisance - of a significant number of licensed premises concentrated in one area.
32. The statement of licensing policy cannot seek to impose 'blanket' conditions. Each application must be considered on its own merits.

Conditions can only be imposed on a licence if they are necessary to promote the licensing objectives in relation to the specific premises and are a proportionate response to the specific situation to be addressed. The Guidance provides that if the situation the condition is intended to address is already addressed by a provision in the 2003 Act or any other legislation then the condition cannot be said to be 'necessary'.

33. Licensing is about regulating the carrying on of licensable activities within the terms of the 2003 Act. The statement of licensing policy should make it clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business carrying on licensable activities. However, the Guidance also states that licensing law is a key aspect of such control and should always be part of a holistic approach to the management of the evening and night-time economy. It is therefore desirable that the statement of licensing policy is in line with the Council's wider objectives and consistent with other policies.
34. Members should note that 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. Members should also note that the Council 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.
35. Positive equalities obligations are placed on local authorities, sometimes described as equalities duties, with regard to race, disability and gender. Race equality duties were introduced by the Race Relations Amendment Act 2000 which amended the Race Relations Act 1976. Gender equalities duties were introduced by the Equality Act 2006, which amended the Sex Discrimination Act 1975. Disability equality duties were introduced by the Disability Discrimination Act 2005 which amended the Disability Act 1995.
36. 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. 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 adopt the statement of licensing policy must therefore be taken by council assembly.

#### **Strategic Director of Finance and Corporate Services (EL20/045)**

37. This report is requesting the licensing committee to consider recommendations (a), (b) and (c) in paragraph 1 above in relation to the Southwark Statement of Licensing Policy 2021-2026.

38. The strategic director of finance and governance notes the recommendations and that, currently, there are no identified additional resource implications as a result of these proposals. However the service should be aware due to uncertainties because of Covid-19 this could be subject to change and be prepared to incorporate any amendments in legislation and government guidance which may lead to additional resources being utilised.
39. The strategic director of finance and governance also notes that staffing and any other running costs connected with these recommendations are to be contained within existing departmental revenue budgets.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Police Reform and Social Responsibility Act	The Licensing Service, C/O 160 Tooley Street, London, SE1	Kirty Read Phone number: 020 7525 5748
Licensing Act 2003 Home Office revised guidance to the Act		
Amended Guidance on the Late Night Levy, Home Office, March 2015		
House of Lords Select Committee on the Licensing Act 2003 , 'The Licensing Act 2003: post-legislative scrutiny, November 2017		
House of Commons Library, Briefing Paper, Late Night Levy, March 2019 Secondary Regulations: The Late Night Levy (Application and Administration) Regulations 2012		
The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012		
Southwark's Statement of Licensing Licensing Committee Report and minutes – 7 November 2018		

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Southwark Statement of Licensing Policy
Appendix B	Licensing Committee amendments 04 Nov 2019
Appendix C	Policy changes following consultation
Appendix D	Licensing Committee amendments 09 Sept 2020
Appendix E	Consultation responses and comments
Appendix F	Equalities Impact Assessment

**AUDIT TRAIL**

<b>Lead Officer</b>	Caroline Bruce, Strategic Director Environment & Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	FINAL	
<b>Dated</b>	11 November 2020	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		11 November 2020

**Licensing Act 2003**

**Draft Southwark**  
**Statement of Licensing**  
**Policy**  
**2021 - 2026**

## LEGAL BACKGROUND TO THIS DOCUMENT

The Licensing Act 2003 came into effect on 24 November 2005. The Act repealed existing legislation relating to alcohol, entertainment and late night refreshment and introduced a new licensing regime, administered by the local Licensing Authority.

Section 5 of the Licensing Act 2003 requires each Licensing Authority to prepare and publish a statement of its licensing policy every five years. The initial Southwark Statement of Licensing Policy received formal approval on 8 December 2004. It has been frequently revised and updated since, in order to keep up to date with changes in law, guidance and local policy. Each revision has been developed through public consultation with full regard had to the Act; the secondary regulations made under the Act; and the guidance for local Licensing Authorities produced, initially by the Secretary of State for the Department of Culture Media and Sport (DCMS), and more recently, by the Home Office.

The fourth full revision was approved by the Council Assembly on 25 November 2015 and went through an additional mid-term review, which was again approved on 27 March 2019 and establishes this Authority's policy for the period 2021-2026. Once again, full regard has been had in the development of this policy to the Act; secondary regulations; supporting guidance; and essentially, the current incarnation of the section 182 Guidance, issued by the Home Office.

As is noted, revisions to the guidance are issued by the Secretary of State from time to time. When revisions are issued, there may be periods of time where the Southwark policy is inconsistent with the guidance. During such periods this Council will have regard, and give appropriate weight, to the revised guidance.

It is important to note that a Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.

The London Borough of Southwark complies with the European Union (EU) rules on handling personal data (the General Data Protection Regulation or GDPR) which came into force on 25 May 2018.

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## SECTION ONE – EXECUTIVE SUMMARY

Southwark enjoys a widespread and diverse selection of licensed premises and venues. Around 1,400 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from pubs, bars, night clubs, members clubs, theatres, cinemas and indoor sports facilities through restaurants, cafes and take-away establishments to off-licences, supermarkets and grocers. Together they combine to help make Southwark the exciting, vibrant borough it is by providing a wide-range of leisure and cultural opportunities; supporting tourism; providing employment; and making a significant economic contribution to the local community. This Authority recognises the extent of the contribution of the leisure and entertainments industry.

We believe that as long as the management of licensed premises act responsibly in their promotion of the licensing objectives; by running safe, well-managed venues and facilities; and work together with the Local Authority, its partners and the local community; they make a positive contribution toward building community cohesion and cultural development. We also understand that alcohol plays an important and inherent role within the leisure and entertainment industry.

However, this Authority equally recognises that negative impacts will occur if good management practices are not followed. This can include anti-social behaviour, nuisance and disturbance caused to local residents, together with serious crime and disorder problems. We recognise that the misuse of alcohol, in particular, is an important contributing factor in all of these problems. Alcohol related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon A&E; additional policing; additional street cleaning; and the criminal justice system. This Authority does not consider that it is reasonable for the Southwark community to suffer because of irresponsible operators.

Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may thrive and contribute towards a vibrant business and night-time 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. We believe these aims are achievable if all parties concerned work together.

The opening sections of this policy provide an introduction to our Borough and this Council. They also help establish how this Authority addresses its licensing responsibilities and operates its administrative processes.

Section 5 outlines 'how this policy works' and provides a good starting point for any new operator intending to seek a licence. It will help in understanding how the Licensing Authority and other various Responsible Authorities go about considering the merit of each application and the expectations made of new operators.

Section 6 sets out this Authority's approach to cumulative impact. We recognise that communities suffer not only because of poor operators but where the total cumulative effect of many licensed premises in one area becomes unmanageable. In Section 7 we set out our guide to appropriate hours of licensed operation having had regard to the type of operation and the nature of the surrounding area.

In sections 8 through to 11 we cover each of the four licensing objectives in detail. These sections are compiled in close collaboration with relevant Responsible Authorities. They raise local concerns that should be taken into account and offer some best practice. We recommend that prospective licence Applicants read these sections carefully. Prospective licence Applicants should have regard to this guidance when conducting risk-assessments of their proposed operation in advance of compiling management operation plans and operating schedules.

Section 8 deals with the prevention of crime and disorder. It outlines general measures that can be taken to reduce the potential for crime and disorder alongside more specific measures for premises licensed for the sale and supply of alcohol for consumption upon the premises and those operating within the night-time economy. It also includes considerations around the roles of designated premises supervisors and personal licence holders. Section 9 considers the breadth of issues affecting public safety and highlights other relevant safety considerations. Section 10 considers nuisance issues. It offers guidance on reducing the potential for nuisance and disturbance outside of the premises, from inside of the premises and at outdoor events. Section 11 considers the issues around the protection of children from harm giving particular thought to preventing access to alcohol and age identification schemes.

In all, this Authority is committed to working together with responsible premises management to ensure successful licensed operations. Equally this Authority will take appropriate action where there is evidence of irresponsible management. To this end, section 12 of our policy sets out our approach to enforcement, examining how we aim to ensure that our enforcement actions are targeted where they are needed most and co-ordinated together with our partners. It also sets out how we aim to ensure that our enforcement actions are carried out in a fair, consistent and transparent manner.

We recommend the contents of this policy and the best practice contained within.

### **COVID-19**

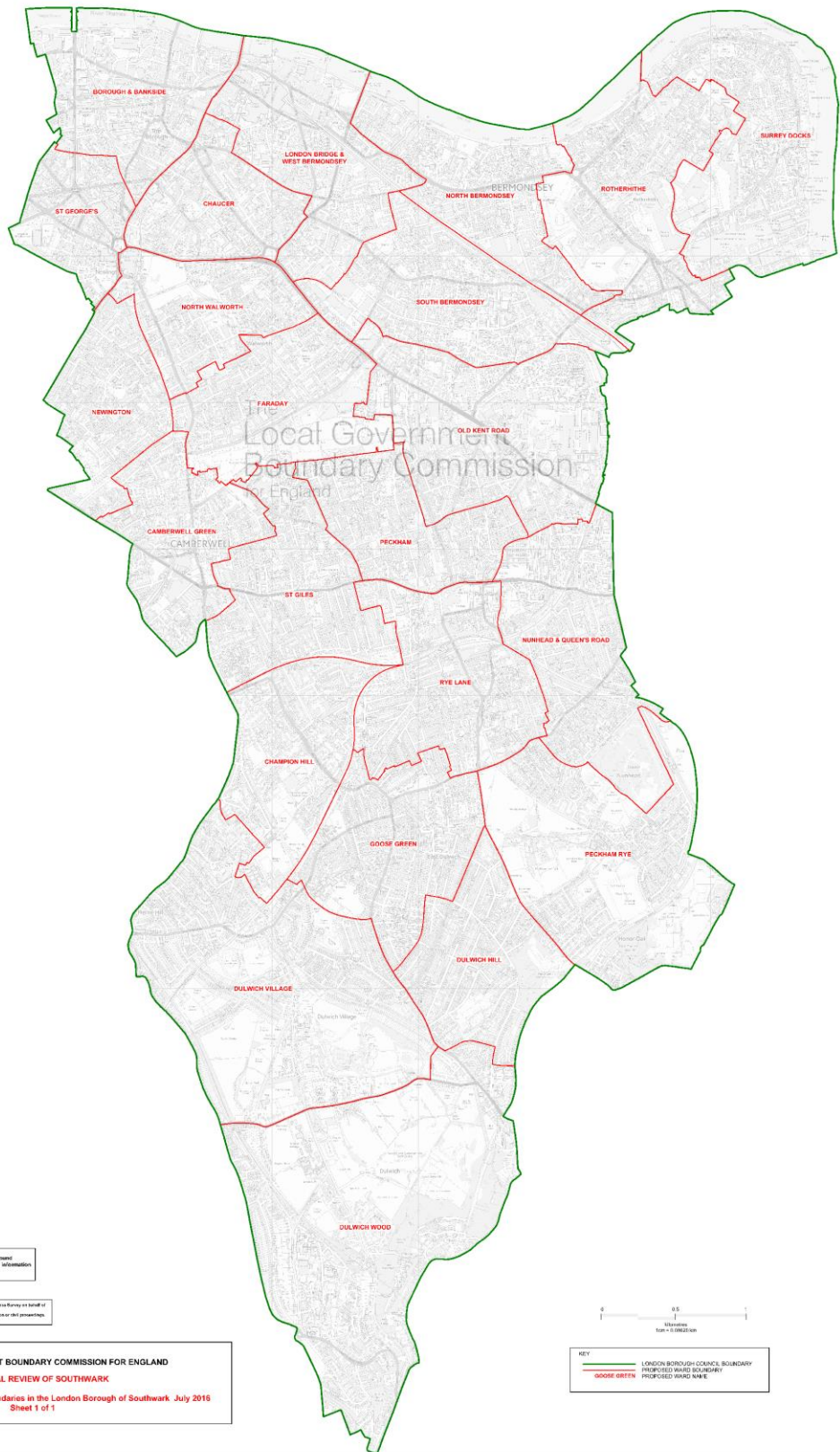
Officers have considered at length inserting sections into the Policy to take into account the COVID-19 Pandemic. It should be noted that primary legislation around alcohol sales has been amended, to support the industry and the Governments response to the emergency, but this is for a limited period only. This Policy will surpass that period.

The Council expects licence holders to remain up-to-date on changes to legislation and guidance from central government; and had an expectation that operators will act responsibly to reduce any risks to both their staff and customers. The Licensing Authority and the Council's Health and Safety Team are keen to support businesses in this manner.

The Council has a commitment to renew and update policies where a significant impact on business and residents become evident. It may be that in the future, a more flexible approach with alcohol licensing may be proportionate in order to support the economy. Should evidence emerge that permanent changes are required; this can be considered with an interim consultation prior to 2026.

**SECTION TWO – ALL ABOUT SOUTHWARK**

SHEET 1, MAP 1



Boundary alignments and names shown on the mapping background may not be up to date. They may differ from the latest boundary information published as part of this review.

This work has been prepared for the purposes of the Electoral Review of Southwark by the Local Government Boundary Commission for England. It is not intended to be used for any other purpose without the prior written consent of the Commission.

### **Our Borough**

1. Southwark is one of the oldest areas of London, with a history that stretches back to Roman times.
2. Our geographically small and narrow inner London Borough extends from the banks of the River Thames to the beginning of suburban London, south of Dulwich. It incorporates the Borough, Bermondsey, Rotherhithe, Newington, Walworth, Camberwell, Peckham, Nunhead and Dulwich districts within its boundary.
3. Southwark is densely populated with a young ethnically diverse population. The ONS mid year population estimate for 2018 estimated the population of Southwark to be 314,200 with 54.6% under 35 years of age. Southwark is a diverse Borough with people from a wide range of ethnicities and backgrounds. Over 120 languages are spoken here, and 11% of households have no members that speak English as a first language. Just over half (54%) of Southwark's population is of white ethnicity, a quarter (25%) black and a third of Asian (11%) or other (10%) ethnicities. The population of Southwark is growing at a faster rate than the national average, up by more than a fifth since 2001 and is projected to continue to increase, growing by almost 20% by 2030. In particular, developments around Old Kent Road, Canada Water and Elephant and Castle, will lead to significant population increases in these communities. Southwark has experienced high levels of international in-migration; of 2011, Southwark had the ninth highest population density in England and Wales at 9,988 residents per square kilometre.
4. Southwark continues to face the complex social, health and economic needs of an inner city population. Southwark's level of deprivation has improved in recent years but still remains the 12th most deprived London borough (40th nationally) (2015 Index of Multiple Deprivation IMD). Deprivation is not evenly distributed across the Borough but concentrated in the area between the more affluent strip close to the river and Dulwich in the south. At April 2015, 41.9% of the housing stock in Southwark was social rented. 58.1% of properties were either owner occupied, shared ownership or private rented, compared with 82.6% in England (2014 figure). In the 2011 Census Southwark had the largest proportion in the country of households renting from the Local Authority at 31.2%.
5. There is also wide distribution in educational achievement, access to employment and housing quality. Attainment rates for Southwark pupils at key stages 1 and 2, GCSE and 'A' level have recently improved and are now above the national average (Department of the Environment 2014). Unemployment in Southwark (8.1%) is higher than the London average (7.0%) and the percentage of the working population claiming benefits in Southwark is 12.7% compared to 11.2% across London (DWP benefit claimants - working age client group Nov 2014). Gross weekly earning for both men and women in Southwark is above the London average (ONS annual survey of hours and earnings - workplace analysis). 37% of the private rented sector does not meet minimum standards (HCS 2009). There are over 10,000 houses in multiple occupations.
6. Southwark continues to face the complex social, health and economic needs of an inner-city population, though Southwark's level of deprivation has improved in recent years. Southwark is meeting these challenges and is fast becoming one of London's most dynamic boroughs with 40 per cent of the area currently the subject of physical regeneration projects and with developments valued at around £4

billion. The many regeneration projects include in the Aylesbury estate; Borough, Bankside and London Bridge; Canada Water; Elephant and Castle; Nunhead; and Peckham.

### Leading Southwark

7. The London Borough of Southwark is made up of 23 wards consisting of 63 Councillors. These Councillors sit on the Council Assembly, which is the “sovereign” body of the Council. The assembly is chaired by the Mayor of Southwark and is responsible for approving the budget and policy framework.
8. The Council operates a strong leader / cabinet model. The cabinet is headed by the leader and deputy leader. Ten members hold individual portfolios.
9. The Cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.
10. Scrutiny Committees take a close look at Council decisions and activities and call for the Council to be open and accountable. They examine services provided by the Council and review the Council’s budget and policies. Scrutiny can look at, or ‘call- in’ decisions made by the cabinet and recommend decisions are changed or reconsidered.
11. A Licensing Committee is established to consider licensing policy with contested licence applications being considered by Sub-Committees of the main Committee as set down in table 1 in section 4 of this document.
12. Multi-ward forum areas - There are five multi-ward forum areas, each comprising four or five wards

#### North West area forum

- Borough and Bankside Ward
- London Bridge and West Bermondsey Ward
- Chaucer Ward
- St Georges Ward

#### North East area forum

- North Bermondsey Ward
- South Bermondsey Ward
- Rotherhithe Ward
- Surrey Docks Ward

#### West Central area forum:

- North Walworth Ward
- Newington Ward
- Faraday Ward
- Camberwell Green Ward
- St Giles Ward

#### East Central area forum

- Old Kent Road Ward
- Peckham Ward
- Nunhead and Queens Road Ward
- Rye Lane Ward
- Peckham Rye Ward

#### South area forum

- Champion Hill Ward
- Goose Green Ward
- Dulwich Hill Ward
- Dulwich Village Ward
- Dulwich Wood Ward

### **Fairer future principles**

13. The Council recognises that in times of reduced funding from central government, there is a need to focus resources on the areas where the most impact can be made.
14. The Council plan identifies a number of principles that underpin our Fairer Future for all vision and guide the promises and commitments agreed through the plan. The five core principles are:
  - Treating residents as if they were a valued member of our own family;
  - Being open, honest and accountable;
  - Spending money as if it were from our own pocket;
  - Working for everyone to realise their own potential;
  - Making Southwark a place to be proud of.

### **Southwark and the leisure and entertainment industry**

15. Southwark offers a wide-range of leisure and cultural opportunities. The north of the Borough is recognised as one of London's fastest growing tourist quarters and a thriving business location. The area encompasses some of London's top attractions (including the Shakespeare's Globe Theatre; the Tate Modern and the Ministry of Sound). Elsewhere across the Borough, there are many other creative hotspots in areas such as the Elephant and Castle and Peckham and a very broad variety of leisure and cultural opportunities intended to meet the needs of our diverse communities. These include clubs and bars, restaurants and cafes, galleries, theatres and cinemas.
16. Southwark currently has over 1,400 premises licensed for the sale and supply of alcohol and / or regulated entertainment and late night refreshment on an ongoing basis. Over 1000 of these are licensed for the sale and supply of alcohol. Somewhere between 90% to 100% of licensed premises are open between the hours of 11:00hrs and 23:00hrs. Additionally, many hundreds of small, occasional and community focused events are staged across the Borough each year under the facility of Temporary Event Notices.
17. Undoubtedly, our licensed premises make a significant contribution to making Southwark the Borough it is.

### **Alcohol-related crime analysis 2016**

18. At a local level, the impact of alcohol-related harm in terms of both ambulance call-outs and crime are substantial in Southwark and are not felt evenly across the Borough. Local Southwark data highlights that the impact of alcohol increases during the course of the day and is particular evident in the late evening and early hours of the morning, especially at weekends.
19. The analysis uses local London Ambulance Service (LAS) and Southwark based Metropolitan Police data, from the most recently available 12 month period of July 2017 to June 2018. Where appropriate this has been compared with July 2015 to June 2016 and July 2016 to June 2017 in order to provide context for the direction of travel. The MPS crime dataset is composed of 1,220 Assault with Injury (AWI) offences committed in LB Southwark. AWI was the most common offence type where alcohol was a feature according to the most recently available alcohol profile of the CSEW, with 57% of AWI offences reported in the CSEW involving alcohol. All Domestic Abuse offences and AWI assaults committed in a domestic setting have



been removed from the dataset.

20. LAS data gives vital insight into the prevalence of acute alcohol related harm in a way that crime data cannot. As well as intoxication and associated presentations, paramedics will attend assault victims who will never appear in crime statistics due to the victim's unwillingness to report to the Police. There were a total of 2,970 alcohol-related ambulance call outs between July 2017 and June 2018. The number of alcohol related callouts increase during the day, with LAS callouts peaking around 23:00hrs remaining higher than the Borough average until 03:00hrs.
21. There is a 62% increase in LAS callout volumes over the weekend when comparing the Friday to Sunday to the Monday to Thursday period. LAS callouts in the LNL period are most prevalent in London Bridge, Borough High St and Elephant and Castle. Walworth Road, Camberwell and to a lesser extent, Peckham.
22. Public Health England - Local Alcohol Profile summary:
  - Latest available data (FY16/17) for the LB Southwark hospital admission rate for alcohol specific conditions is the fifth highest in London;
  - The admission rate has been notably above the London average for the previous seven years.
23. Crime Summary – Alcohol Related violence:
  - At the national level, in the combined datasets of the 2012/13 and 2013/14 Crime Survey of England and Wales, 70% of violent incidents occurring at the weekend, and 70% of violent incidents occurring in the evening or night, were alcohol-related;
  - Furthermore, 70% of violent incidents in England and Wales (as reported to CSEW) which took place in a public space were alcohol-related, compared with 40% of incidents that occurred in the home and 43% of incidents that happened in and around the workplace;
  - The proportions of violent incidents that were alcohol-related increased as the afternoon and evening progressed, from 23% of violent incidents occurring between midday and 18:00hrs, to 52% were between 18:00hrs and 22:00hrs and 83% occurred between 22:00hrs and midnight;
  - Assaults with Injury offences in the night time period are most prevalent in the London Bridge, Borough High St and Elephant and Castle areas. Walworth Road, Camberwell and to a lesser extent, Peckham.
24. Key findings – within established Cumulative Impact Areas (CIAs):
  - Proportional changes of alcohol related violence across the CIAs are not particularly statistically significant, with a similar level in 2012/13 as in 2018/19;
  - The overall increases in alcohol related LAS call outs are as a result of methodology change;
  - The level of reported alcohol related rowdy behaviour and street drinking in the CIAs is at its lowest since the introduction of the Policy;
  - The geography of alcohol-related incidents of violence, theft and LAS call-outs remained quite consistently within each CIA suggesting their positioning is appropriate.
25. Key findings – within monitor areas:
  - Reports across Violence, ASB and Ambulance data all showed an increase in the monitoring areas, although violence levels and alcohol related rowdy behaviour and street drinking are still lower than in their peak in FY2013/2014;
  - Elephant and Castle may be reviewed in the future further to the expected increase in licensed premises.

26. A copy of the latest partnership analysis and the statistics relied on above can be obtained from the licensing service (see Appendix A for contact details). Such information informs the direction of resources within the Council and partner agencies.

## SECTION THREE – PURPOSE AND SCOPE OF THE LICENSING POLICY

### **Purpose of the policy**

27. This policy has five main objectives:

- To reinforce, for the benefit of elected members on the Licensing Committee, the powers and constraints placed upon the Local Authority as Licensing Authority by the 2003 Act;
- To set out, for the benefit of prospective Applicants; Responsible Authorities; local residents; and licensed operators; the parameters under which this Authority will make its licensing decisions;
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area;
- To inform local residents and licensed operators how their needs will be addressed;
- To minimise the number of licensing decisions that may be challenged in a court of law.

### **Scope of the policy**

28. The Licensing Act 2003 regulates the following activities

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of “regulated entertainment”;
- The provision of “late night refreshment”.

### **Types of authorisation**

29. The Act provides for four different types of authorisation or permission as follows

- Personal licences – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence;
- Premises licences – to use a premises for licensable activities;
- Club premises certificates – to allow a qualifying club to engage in qualifying club activities;
- Temporary event notice (TENs) - to carry out licensable activities at a temporary event.

30. The scope of the policy covers new applications for licences, renewals, transfers and variations, including time-limited premises licences. It also covers the review and possible revocation of licences and certificates.

31. In general a reference in this policy to a premises licence will also include a club premises certificate.

### **Definitions – ‘Regulated entertainments’**

32. “Regulated entertainment” includes:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;

- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance.

For the entertainment to be licensable, one or more of these activities must take place in the presence of an audience and be provided (at least in part) to entertain that audience upon premises made available for the purpose.

33. There are a number of exemptions contained in the Act. Also, since the introduction of the Live Music Act 2012, a number of deregulatory steps have been taken. For the current up to date position please contact the licensing service (details in section 12 of this policy).

#### **Definitions – ‘Late night refreshment’**

34. “Late night refreshment” is defined as the supply of hot food or hot drink to members of the public from or in a premise for consumption on or off the premises, between the hours of 23:00hrs and 05:00hrs. Premises include vehicles and stalls.

#### **The licensing objectives**

35. In carrying out its licensing functions the Council will promote the four licensing objectives set out in the Licensing Act 2003. They are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

36. Each objective is of equal importance. There are no other licensing objectives, so the promotion of the four objectives is paramount at all times. It is the responsibility of all parties involved in the licensing process to work together toward these licensing objectives at all times. The four objectives are considered in more detail in sections 7 to 10 of this document.

37. However, the legislation supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators;
- Giving the Police and Local Authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers Local Authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions

that may affect them.

38. Each licence application will be considered on its own merits and in accordance with this policy.

### **Fundamental principles**

39. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.
40. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or other persons, this Authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
41. Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
42. While this statement sets out the Council's general approach to the making of licensing decisions, nothing in this statement undermines the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered upon its individual merits.
43. Similarly, this statement of policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Absolute weight will be given to all representations. However, this will not include those that are frivolous, vexatious or repetitious.
44. The Council may depart from this policy in the interests of promoting the licensing objectives, if the individual circumstances of any case merit such a decision. Where such decision is taken, full reasons for the departure from the policy will be given.

### **General information**

45. This Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business, holding the licence. Nevertheless, it is a key aspect of such control and licensing law will always be a part of the holistic approach to the management of the evening and night-time economy in town and city centres.
46. Other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises include:
- Maximising the use of intelligence sources, ensuring these are identified and information obtained is analysed and shared among all relevant partner agencies;
  - Ensuring the most effective and efficient use of partnership resources, co-ordinated and intelligently targeted where they are most necessary and can achieve the maximum benefit;

- Ensuring the careful consideration is given to the best use of the full range of powers available to the various partner agencies, so as to achieve effective outcomes to matters of concern. Regulatory powers extend beyond licensing and include for instance other Police, anti-social behaviour, Trading Standards and Environmental Health legislation;
  - Ensuring good communication and support is provided to responsible operators, providing regular contacts, liaison and training opportunities are available. For example:
    - The partnership Police and Council's Night Time Economy Team plays an important role in providing additional high visibility policing within the night time economy, establishing good working relationships with venue operators and front of house staff and providing a reassuring presence
    - "Conflict resolution training" is provided by the Council's Health and Safety Team intended for retail staff, aimed at dealing with violence and aggression at work.
    - The "Revealed" training programme run by the Council is aimed at helping community event organisers provide safe, well managed events;
  - Co-ordination with Planning and use of planning controls;
  - Careful consideration of supporting infrastructure, including the provision of CCTV surveillance across the Borough; improved street lighting; late night public conveniences; street cleaning and litter patrols together with initiatives such as The Public Spaces Protection Order (PSPO) which replaced the Designated Public Place Orders (DPPO) under the Anti-Social Behaviour Act 2014. A DPPO is currently in place across the whole of the Borough (excepting of areas of Dulwich) provides powers to confiscate alcohol from nuisance drinkers, another controls dogs;
  - Campaign work undertaken in conjunction with other partners (such as the Drugs and Alcohol Action Team (DAAT) under Community Safety) under the Safer Southwark Partnership such as previous "safe world cup"; "safety glasses"; "talking signs" campaigns;
  - The development of partnership arrangements intended to take forward schemes that are of benefit to the local community such as the Business Improvement Districts in Bankside and London Bridge by inviting them to partake in consultations, providing best practice advice to their members and inviting input on any potential expenditure of Late Night Levy income;
  - The establishment of local pub-watch, club-watch and similar schemes. Information about pub-watch can be obtained through their web site on [www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk).
  - Encouragement of socially responsible licensed operations through schemes such as the Southwark Women's Safety Charter;
  - The best practice demonstrated and supported by the Purple Flag, Best Bar None and other similar award schemes.
47. The Council will use its full range of powers, engage all relevant responsibilities and work together with all partners to deliver the licensing objectives.

## SECTION FOUR – ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION

48. This policy does not set out to explain the circumstances under which any one of the available authorisations may be required, nor does it attempt to explain the licensing processes. There is a link to the government guidance accompanying the application forms on the Councils licensing web pages <https://www.southwark.gov.uk/business/licences/business-premises-licensing/beer-licences/beer-licences>

### **Applications for licences and consents - General**

49. Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee and all other required information, by the Licensing Authority and the relevant Responsible Authorities.
50. In accordance with the Provision of Services Regulations 2009, electronic application facilities are available. Electronic application facilities for premises licences may be found on GOV.UK or this Authority's own web site. Electronic applications for other categories of licence and consent are available on this web site also. Where electronic applications are made, the application will be taken to 'be given' when the applicant has submitted a complete application form and submitted the fee.
51. Applications will be progressed in accordance with procedures laid down by the Act. Prospective Applicants should refer to the separate relevant guidance documents for further details.

### **Applications for club premises certificates**

52. Club premises certificates may be issued to qualifying clubs, formerly registered members clubs. To be eligible for a club premises certificate the members of the club must have joined together for a particular social, sporting or political purpose and to purchase alcohol in bulk, for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Council must be satisfied that these conditions have been met. This Authority will require evidence to be submitted with any application that supports that the club is non-profit making and that there is a minimum of a two-day interval between the application and the acceptance of new members.

### **Provision of scale plans**

53. Applicants are required to submit a current scale plan of the premises when making an application for a new premises licence and a scale plan of the proposed layout as part of any application for a variation of a premises licence affecting approved layout arrangements. Plans need not be professionally drawn but must be drawn to scale and include a scale bar. It is useful to include the plans the size of the original drawing (for example "1:100 when printed at A4"). Ideally, if copies of original plan drawings are submitted, the copies should be made the same size as the original drawing to preserve the scale. Plans should also be made available to Members considering an application in a Licensing Sub-Committee.

Plans must be clear and legible in all material respects, providing sufficient detail

for this Authority to determine the application. Applicants are asked to note that under this policy plans should detail not only the arrangement of internal areas of the premises but also external areas intended to be used as part of the licence or for the purpose of consumption of on or off sales of alcohol and late night refreshment. This includes patio or garden areas, external public areas such as the street and any temporary structures such as marquees or smoking shelters.

#### **Variations and new applications**

54. Where a premises licence holder wishes to amend their licence the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. Two variation processes exist. A simplified minor variations process provides for proposed variations that have no adverse potential impact upon the licensing objectives. A separate major variations process provides for variations that do have potential adverse impact upon the objectives. It should be noted that proposals to extend the current physical licensed area of the premises concerned may require a new premises licence application to be made. In such cases, Applicants should discuss their proposals with the Licensing Team before submitting an application in order to ensure that the correct route is taken.

#### **Provisional statements**

55. While applications for a full premises licence may be made in respect of a premises that is not yet complete, this Council would prefer to see provisional statements sought in the first instance in cases where the responsible bodies are not yet able to confirm that works have been carried out in compliance with agreed schedules and to standard. However, the Council acknowledges that any person falling within section 16 of the Act can apply for a premises licence before new premises are constructed, extended or changed, as long as clear plans of the proposed structure exist and the Applicant is in a position to complete an operating schedule. The schedule will need to contain details of:

- The activities to take place there;
- The time at which such activities will take place;
- The proposed hours of opening;
- Where the Applicant wishes the licence to have effect for a limited period, that period;
- The steps to be taken to promote the licensing objectives;
- Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the Applicant wishes to specify.



### **Temporary Event Notices (TENs)**

56. The Act provides a system by way of “temporary event notices” for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the Licensing Authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the Licensing Authority of the event.
57. There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the Licensing Authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee, and be copied to the Police and this Authority’s Environmental Protection Team (see contact details in Appendix A).
58. A standard TEN must be given with at least 10 clear working days notice before the event. A late TEN (intended to assist premises users in situations that are outside of their control) can be given no earlier than nine working days but still with a minimum of five clear working days notice before the event. These stated timescales are not negotiable and no notice will be progressed unless all parties have been correctly notified.
59. The 10 and 5 clear working days notice periods will be calculated exclusive of the day on which the event is to start and the day on which the notice is given (working days do not include the date that the TEN is submitted, or the first day of the event itself). For instance, if a standard temporary event is intended for a Saturday or Sunday night, the notice must be given by the third Friday before the event date at the latest. If a bank holiday should fall within the period then an additional working day must be allowed for each bank holiday day that occurs.
60. In general, only the Police (on crime and disorder grounds) or the Environmental Protection Team (on grounds relevant to any of the licensing objectives) may intervene to prevent such an event taking place. However, this Licensing Authority will also intervene if the notice given is incorrect or if the limits set out in the Act that may be given are exceeded. TENs that include regulated entertainment after 23:00hrs within the Notice could ideally include comprehensive details of the event, SIA, a Searching policy and a dispersal plan, so the Police can properly assess the event. It would always be advisable that a potential TEN Applicant correspond with the Police and Environmental Protection prior to submitting the application by sending any additional information that may assist them when considering whether or not to object. With events that are planned with the Council’s Events Team, an Event Management Plan would also be highly recommended.
61. In a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this Authority will accept notifications given with only the statutory minimum notice, it is requested that 28 days notice of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.
62. It should also be noted that in cases where there is any doubt as to whether the premises user has the consent of the premises owner to use the premises concerned for the purposes given; the Police may submit an objection notice until

such concerns are addressed.

63. Furthermore, it should be recognised that many temporary events will still have potential to give rise to concerns, particularly around public nuisance, health and safety or protection of children. For this reason Applicants should understand that the licensing service may share information on temporary events taking place with other “Authorities”, including the Planning Authority. This does not provide those Responsible Authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent (including planning permission or temporary structures consent) is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children issues. Further guidance is available in the separate document “Guidance to Temporary Event Notices” available from the licensing service.

### **Multiple TENs for a single event**

64. Section 171 of the explanatory notes to the Licensing Act 2003 with regards to Section 101 of the Act, “Minimum of 24 hours between event periods”, states that:

*“This section provides that there must be a minimum period of 24 hours between temporary events held on the same premises by a premises user, or held by that user and another person who is related to, associated with or in business with that user. This prevents a premises user holding numerous consecutive temporary events as a means of avoiding an application for a premises licence. If a temporary event takes place on premises that are included within or include other premises where another temporary event takes place, then the two events are deemed to take place on the same premises.”*

65. In addition to section 101 of the Licensing Act 2003, the Licensing Authority considers that the use of more than one TEN within the same or adjacent premises at similar times to allow an event of over 499 persons attending at any one time is likely to give rise to the increase in public nuisance and crime and disorder. Additionally the increased number of patrons over 499 persons gives a greater concern on the impact of the event on public safety and the prevention of harm to children. In addition, multiple TENs cannot be used to provide the same regulated entertainment (the same band or DJ etc) to an audience of more than 499 even if they are on separate premises.
66. Organisers of events whereby patrons will exceed 499 should not use the “light touch” approach with multiple TENS. Such events should be licensed by application for a time-limited premises licence. This will allow for full consultation of the proposal and the measures to promote the licensing objectives and allows greater opportunities to grant the application with appropriate conditions to promote the licensing objectives.
67. Therefore multiple TENs that are at similar times, or within 24 hours of each other, for the premises included within or adjacent to the premises that receive objections from a relevant person will be considered by the Licensing Sub-Committee.
68. Premises users for multiple TENs will be given opportunity to demonstrate how they will ensure that the licensing objectives will not be undermined and that the total maximum capacity of 499 will not exceeded. This will be balanced against evidence

provided by the Police and/or Environmental Health Officers.

### **Major art and pop festivals, carnivals, fairs and circuses**

69. We encourage organizers of major festivals and carnivals to approach the Council at the earliest opportunity to discuss arrangements for the licensing of their events. Larger events will require a time-limited premises licence. This will involve the preparation of a substantial operating schedule, full public consultation and a longer lead in period.
70. The Southwark Events Team co-ordinates a Safety Advisory Group (SAG) with membership comprising all the emergency response authorities which can provide support to event organisers on event planning if good time is allowed. All major events will be scrutinised by the SAG. Contact details for the Events Team are provided in Appendix A.

### **Consultation arrangements**

71. This Authority considers it important that the local community is fully aware of local licensing applications being made within its area. Regulations governing the advertising of applications for the grant, variation or review of premises licences and club premises certificates require a public notice to be published in the local press and a brief summary of the application to be displayed immediately on or outside premises concerned. Failure to comply with the requirements in full will result in the progression of the application being delayed.
72. This Authority understands that regulations to the Act require public notices to be of a size equal or larger than A4; of pale blue colour; and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. It also recognises that applications may not be rejected on the basis of improper notification if public notices comply with this minimum standard. However, in order to ensure that the notice of application displayed at the premises may be clearly seen and easily read by passers by, this Authority recommends that public notices displayed be of A3 size in pale blue colour printed legibly in black ink in a font of size equal to or larger than 20. This Authority also asks that the notice summarises the proposed licensable activities and the proposed hours of opening and remains clearly displayed in a position where it may be readily seen by passers by for the period during which representations may be made. A public notice template in our preferred format is available on the licensing webpages for each licence at: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/beer-late-night-refreshment-and-entertainment-licences> which can be printed out onto blue A3 sized paper. Checks will be made to ensure that the summary is properly displayed.
73. The licensing service supports the consultation process by maintaining a public register at:

<http://app.southwark.gov.uk/Licensing/LicenseRegister.asp>.

This details all current applications (alongside detail of current licensed premises). It is open to any person who wishes to be kept up to date with the latest applications in their area, to subscribe to "licensing alerts". E-mail notifications are sent to subscribers when a new licence application is received within their local ward. The licensing service will also notify local Ward Councillors of all new applications in their area.

### **Responsible Authorities**

74. Contact details for Responsible Authorities are given in appendix A. The Responsible Authorities must be notified of, and are entitled to lodge representations about, applications for premises licences or club premises certificates or variations. They may ask the licensing authority to review a premises licence or club premises certificate. Responsible Authorities will also provide advice and information on established best management practice. Information on preparing an operating schedule is contained within this policy, for more complex applications, e.g. those that may include a variety of differing licensable provisions with differing operational times within the same premises, Applicants may also wish to consult with the Authorities directly with a draft operating schedule prior to submission.
75. This Authority advises that it recognises the Southwark Children's' Social Service as the body competent to provide advice on matters concerning the protection of children from harm.
76. It should be noted that the Director of Public Health is added as a Responsible Authority. While health is not included as a licensing objective, the Guidance to the Act recognises that health bodies may hold information which other Responsible Authorities do not, but which would assist a Licensing Authority in exercising its functions.
77. Additionally the Secretary of State has been added as a Responsible Authority and this task is undertaken by the Home Office. Changes to the Act now prevent the issue or transfer of a premises licence to a person who is not entitled to work in the UK. Offences have also been updated to include the offence of employing a person who is not entitled to work in the UK.

### **Representations**

78. It is open to any "Responsible Authority", as defined under the Act or other person to lodge representations concerning a premises licence or club premises certificate application during the set consultation period.
79. A representation will only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It is for the Licensing Authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.
80. Representations must be received in writing at the licensing service office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

### **Disclosure of personal details of persons making representations**

81. Where a notice of a hearing is given to an Applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the Applicant with copies of the relevant representations that have been made. Applicants will be provided with the complete addresses of all Objectors, as they may wish to challenge whether or not an Objector lives in the local area where the premises is situated. Other personal details will be redacted. If an Objector does not wish for their address to be given, they may ask another party such as their Ward Councillor or local Residents Association to make an objection on their behalf. A Licensing Sub-Committee hearing may be convened to consider the representation and to determine the application. Any representations may form part of the public

documents for the hearing, which are available to the public and press. All personal details, including addresses, will be removed from public documents, including online reports.

82. In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as names and address, are divulged to the Applicant.
83. Where this Authority considers that the person concerned has a genuine and well-founded fear and may be deterred from making a representation on this basis, alternative approaches will be considered. Where circumstances justify such actions this Authority may either provide only minimal details (such as street name or general location in a street) or withhold details.

#### **The Licensing Authority acting as responsible authority**

84. The Licensing Authority is included within the list of responsible authorities. This role will be undertaken within the Authority's licensing service. This Authority will determine when it considers it appropriate to act in its capacity as a Responsible Authority in accordance with its duties under section 4 of the 2003 Act.
85. Where it is decided to act within the Responsible Authority role, a separation of duties will be maintained to ensure procedural fairness and eliminate conflicts of interest.

#### **Determination of applications**

86. In accordance with the provisions of the Act, this Authority has established a Licensing Committee with a maximum of 15 members and provision for Sub-Committees of three members to be drawn from the overall pool of the main Committee membership.
87. In doing so, the Council has sought to establish an efficient and cost-effective system for determinations of licences. Where the Act carries a presumption of grant for applications to which no objection has been made, the administration of the grant will be delegated to Officers. All such matters will be periodically reported for information only to the full Licensing Committee.
88. Where matters are subject of representations, the licensing service will normally attempt to reach a negotiated conclusion through a conciliation process. This service is provided to help develop workable agreed outcomes supported by all parties which will also save the time and costs associated with holding a public hearing. Conciliation can be agreed up until 24 hours before a hearing takes place. Where this is not possible the application and representations to it will be considered by the Sub-Committee at a public hearing.
89. Table 1 sets out the schedule of delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers. This form of delegation is without prejudice to the Council's right to redirect an application as appropriate in the circumstances of any particular case.

Table 1 – Table of delegations of licensing functions			
Matter to be determined	Full Committee	Sub-Committee	Officers
Licensing policy	& assembly		

Personal licence		If a Police or Secretary of State objection made	No objection made
Personal licence with unspent convictions		All cases	
Personal Licence where convicted of any relevant offence or foreign offence, or required to pay an		When the Authority becomes aware	
Premises licence / club certificate		If relevant representation made and not conciliated	No relevant representation / all concerns conciliated
Provisional statement		If a relevant representation made and not conciliated	If no relevant representation
'Major' variation of a premises licence / club premises		If a relevant representation made and not conciliated	If no relevant representation
'Minor' variation of a premises licence / club premises			All cases
Variation of the designated premises supervisor		If a Police or Secretary of State objection made	All other cases
Request to be removed			All cases
Transfer of premises licence		If a Police or Secretary of State	All other cases
Interim authority		If a Police or Secretary of State	All other cases
Review of a premises licence /		All cases unless	
Whether a representation is irrelevant,			All cases
Decision to object when a Local Authority is a consultee and not			All cases
Temporary event notice		If Police or Environmental Health objection is made	
Variation of a premises licence in respect of a community premises to include		If a Police objection	All other cases

Decision whether to consult other Responsible Authorities on minor variation application			All cases
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### **Licence reviews**

90. At any stage following the grant of a premises licence, a Responsible Authority or other persons, may apply for a review of that licence because of a matter arising at the premises in connection with any of the four licensing objectives.
91. In addition, a review of the licence will normally follow any action by the Police to close down a premises for up to 24 hours on grounds of disorder or nuisance, as a result of a magistrate's court's direction sent to the Licensing Authority. A licence review can have several outcomes, ranging from no action being found necessary to the temporary suspension or revocation of a licence.
92. Where a review of a premises licence is sought this must relate specifically to a particular premises licence relating to an individual premises. The Licensing Authority may also reject an application made by an interested party if it determines that the ground for the review is repetitious, that it is substantially similar to an earlier review, following which a "reasonable interval" has not elapsed since the earlier application or alternatively since the grant of the premises licence.
93. Any evidence relied upon for a review (or any submitted representation) must be supplied to all parties within the consultation period. Any supplementary evidence following that period must be supplied at least 24 hours before the Hearing. It is the responsibility of the person bringing the review, or making a representation, to ensure that any supporting evidence (written or visual) is in an acceptable and usable format that can be circulated to all Responsible Authorities, the licence holder and any other interested parties. Evidence supplied should be complete at the point that it is submitted, with no expectation that the Council will add to their evidence or produce evidence from previous complaints or applications.

### **Applications for transfer of a premises licence following application for a review**

94. This Authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.
95. Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to support the contention that the business is now under new management control.

### **Annual maintenance fee payments**

96. An annual maintenance fee is payable in respect of all premises licences and club premises certificates. If the annual fee is not paid when it is due, the Authority must suspend the licence or certificate. In such cases, the holder of the licence will be notified in writing, giving at least two working days notice of the suspension date. Once suspended, the licensable activity authorised by that licence must cease. The Police and other Responsible Authorities will be informed and monitoring checks will be made to ensure no licensable activity continues.
97. The suspension ends upon payment of the fee. Licence holders should ensure that

the payment of the outstanding fee is brought to the attention of the licensing service in order that the suspension may be lifted.

#### **Other regimes**

98. This Authority will look to ensure consistency, as far as is possible within law, with other licensing and consent regimes.
99. This Authority will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Thereby, this Council will not impose quotas of premises or licences.

#### **Planning, regeneration and building regulations regimes**

100. The planning, regeneration, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Each regime involves consideration of different (albeit related) matters. Neither Licensing nor Planning Committees are bound by decisions made by the other.
101. However, this Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a Licensing Authority to refuse a licence application solely because it does not have planning permission, to allow clarity and consistency both for Applicants; and in response of enforcement action, it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.
102. This Authority notes that Guidance supports ‘where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, the Licensing Sub-Committee and Officers may consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs”.
103. There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. It must be emphasised that where these hours are different to the permitted licensing hours, the Applicant must observe the earlier closing or later opening time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. This is emphasised by the decision in the case of *Gold Kebab v Secretary of State for Communities and Local Government 2015*.
104. Further information on planning is available on the Council web site at <http://www.southwark.gov.uk/planning-and-building-control>.

#### **Land owners consent**

105. Where licences are granted or temporary event notices are submitted for licensable activities to persons who do not own the premises/land where the licensable activity is to take place, this authorisation does not authorise the use of the premises without the prior consent of the land owner and does not allow an operator to breach any covenants or restrictions on the titles or leases for the use of land/premises.
106. With regards to public or Council owned premises/land there is no implied



permission to use the premises/land with the issue of a premises licence without obtaining separate consent from the appropriate Council section, such as Highways, the Housing Dept. or Parks, who is effectively the land owner, to use the land.

**Other consents**

107. Other consents such as planning permission are separate regimes and a premises licence or temporary event notice cannot be used unless all other relevant consents are in place. Contact details for obtaining Planning Consent or a Highway's Table and Chairs Licence and applying for the use of a park are in Appendix A under other agencies.

## SECTION FIVE – DETERMINING APPLICATIONS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

### **How this policy works**

108. All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must clearly establish the steps the Applicant proposes to promote the licensing objectives.
  
109. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or other persons, the Licensing Authority must grant the application in the terms sought, subject only to the relevant mandatory conditions and conditions that are consistent with the operating schedule. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.
  
110. If relevant representations are received, then (unless the concerns raised are resolved through conciliation) a hearing of the application by the Licensing Sub-Committee will normally follow. At the hearing, each application will be considered upon its own merits with all relevant matters taken into account.
  
111. Having had regard to all relevant matters, the Sub-Committee will take such steps as it considers appropriate to promote the licensing objectives. This may include the refusal or part grant of the application, or adding to or modifying the conditions proposed in the operating schedule.
  
112. In exercising its discretion, the Licensing Sub-Committee will have regard (amongst other things) to the content of this licensing policy. Therefore, Applicants are advised to read the content of this policy carefully before drawing up their operating schedule. Where an operating schedule complies with this policy, it is generally less likely that a Responsible Authority or other person will object to it, or that any representation will succeed. Therefore, compliance with this policy is likely to assist the Applicant to avoid the delay and expense of a contested licensing hearing, and risk refusal of the application or the addition of unwanted conditions.
  
113. This is not to say that an opposed application which complies with the policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the Licensing Authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, considered appropriate to promote the licensing objectives. So, for example, following receipt of relevant representations the Licensing Authority will not interfere with an operating schedule which does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
  
114. However, the policy represents the Licensing Authority's view of the best means of securing the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and Responsible Authorities, together with input from business operators and community stakeholders. While the contents of

the operating schedule are a matter for the Applicant, in cases where there is objection to a schedule which departs from the policy, the licensing Sub-Committee hearing the opposed application will normally expect to be given good reason for the departure if it is to be asked to make an exception to the policy.

115. In this policy, there are a number of references to the Licensing Authority's expectations of Applicants. As explained, the policy is only engaged where the Licensing Authority has a discretion following the receipt of representations. In such cases, the Licensing Authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
116. One particular expectation of Applicants is that they conduct a risk assessment in relation to the licensing objectives before completing an operating schedule. It is emphasized that there is no statutory requirement for this under the Licensing Act 2003. However, where no such risk assessment has been conducted, then if there are relevant representations leading to a hearing, the Licensing Sub-Committee may take a more precautionary approach than if the Applicant can demonstrate that a particular risk has been properly evaluated and either discounted or mitigated in the operating schedule.

#### **Location and other relevant considerations**

117. In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:

- Whether the premises is located within a current Cumulative Impact Area;
- The type and mix of premises and their cumulative impact upon the local area;
- The location of the premises and their character;
- The views of the Responsible Authorities and other persons;
- The past compliance history of the current management;
- The proposed hours of operation;
- The type and numbers of customers likely to attend the premises;
- Whether the Applicant is able to demonstrate commitment to a high standard of management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in PubWatch; and adopting the Council's Women's Safety Charter;
- The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc.

118. Applicants should refer to section 6 of this policy for detail of the current local Cumulative Impact Areas and also consider the general operating hours in section 7 of this policy. Applicants should not try to replicate later operating hours even if there are other premises nearby that currently operate for longer. This Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol and late night refreshment.

#### **High standards of management**

119. When assessing the Applicant's or Licensee's ability to demonstrate a commitment to high standards of management this Authority will consider whether

the Applicant or Licensee

- Has researched the local area and can demonstrate understanding of local community concerns;
- Has carried out relevant risk assessments and devised an appropriate strategy to promote the licensing objectives;
- Can demonstrate comprehensive knowledge of best practice;
- Has sought advice from the Responsible Authorities;
- Has implemented any advice given by Responsible Authorities;
- Is able to understand verbal and written advice and legal requirements;
- Can demonstrate knowledge of the licensing objectives, relevant parts of the licensing policy and their responsibilities under the 2003 Act;
- Is able to run their business lawfully and in accordance with good business practices;
- Is able to demonstrate a track record of compliance with legal requirements.

### **Mandatory conditions**

120. There are a number of mandatory conditions set out within the Act (as amended by the Mandatory Licensing Conditions (Amendment) Order 2014). The mandatory conditions must be imposed upon all licences where relevant. The mandatory conditions are detailed within this policy under the relevant licensing objectives.

### **Other conditions**

121. Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This Authority will aim to ensure that conditions attached to licences will:

- Be appropriate for the promotion of the licensing objectives;
- Be precise and enforceable;
- Be unambiguous and clear in what they intend to achieve;
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation unless extending circumstances have demonstrated multiple breaches of that legislation and the condition/s are to prevent further breaches;
- Be tailored to the individual type, location and characteristics of the premises and events concerned;
- Not be standardised;
- Not replicate offences set out in the 2003 Act or other legislation;
- Be proportionate, justifiable and be capable of being met;
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff (but may impact upon the behaviour of customers in the immediate vicinity of the premises or as they enter or leave);
- Be written in a prescriptive manner.

### **Shadow licences**

122. The Licensing Authority has received enquiries and applications for premises licences where a licence is already in force. Typically the Applicant is the landlord of the premises where the licence holder of the licence already operating is their tenant. The landlord in many cases is seeking what they term a "shadow licence" on the same or similar terms to the licence already existing.

123. The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises.
124. The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence.
125. Similarly Responsible Authorities, including the Police, Trading Standards and the Licensing Team, have expressed concerns regarding the enforcement of the terms and conditions of the premises licences if it is unclear under the authorisation of which premises licence the licensable activities are taking place and who is the relevant premises licence holder and DPS.
126. This Authority also recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord is also a licence holder of a premises licence in effect at the premises the Council considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives.
127. In order to promote the licensing objectives and provide clarity as to which premises licence is being used to provide licensable activities conditions can be added to the an additional premises licence application, these may include:
- The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence.
  - When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
128. To promote the licensing objectives this Authority will take a holistic view of the licensing circumstances at the premises. The Licensing Authority will encourage Responsible Authorities and other persons when submitting an application to review a premises licence, to also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives.
129. In determining applications for a review of a more than one premises licence relating to the same premises each application will be considered individually on its own merits.

## SECTION SIX – LOCAL CUMULATIVE IMPACT POLICY AREAS

### **Cumulative impact**

130. In areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may arise some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area. Typically this occurs when customers leave premises at peak times or where there is queuing at fast food outlets or for public transport. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers and this can lead to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be dispersed quickly.
131. Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.
132. It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing. The Applicant should therefore expect to have to attend a hearing regarding their application from the outset. It is therefore advisable for Applicants to mitigate potential cumulative impact as part of their operating schedule.
133. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider within its licensing policy and is now included in the Licensing Act 2003 under section 5a. Local Licensing Authorities may adopt special cumulative impact or 'saturation' assessment areas where there is an evidential basis for the decision. The retention of any CIA should be reviewed every three years.
134. Guidance sets out that relevant information which Licensing Authorities may be able to draw upon to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives will include:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - Statistics on local anti-social behaviour offences;
  - Health related statistics such as alcohol related emergency attendances and hospital admissions;
  - Environmental Health complaints, particularly in relation to noise and litter;
  - Complaints recorded by the Local Authority, which may include complaints raised by local residents or residents associations;
  - Evidence from local Councillors;
  - Evidence obtained through local consultation.
135. The Licensing Authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area and consider, in particular,

the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- Changes in terminal hours of premises;
- Premises capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving at different times.

In summary, the steps to be followed in considering whether to adopt a special policy within the policy are:

- (a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm;
- (b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
- (c) If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent;
- (d) Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise);
- (e) Consult those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

136. The effect of publishing a cumulative impact assessment is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. In such circumstances, it is for the Applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

137. This presumption does not relieve Responsible Authorities or interested parties of the need to make a relevant representation. Such representation, which should reference the information which had been before the Licensing Authority when it developed its statement of policy, must be received before a Licensing Authority may lawfully consider giving effect to its special policy. If there are no representations, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted. Once adopted any policy will be reviewed within a three year period.

138. The Council will not use such policies solely:

- As the grounds for removing a licence when representations are received about problems with existing licensed premises;
- To refuse modifications to a licence, except when the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.

### **Southwark regeneration and planning policies**

139. Local cumulative impact policies are not intended as a barrier to local regeneration, however regeneration and planning policies and schemes are separate regimes from licensing and each deals with different and separate local issues.

140. Applicants for premises licence and variations in regeneration areas and who have received assistance from the regeneration section of the Council with their planning consents, that receive relevant representations with regards to cumulative impact policies will still be required to adequately address the cumulative crime and disorder and public nuisance issues raised in this policy in order to successfully rebut the presumption against grant. This rebuttal can include evidence that the nature of the area has changed as a result of ongoing regeneration in the area. Applicants will still be expected to address the four licensing objectives within their operating schedule.



**Local cumulative impact Areas (CIAs; previously known as Cumulative Impact Policies, or CIPs)**

141. Since the introduction of the Licensing Act 2003, the Council's Licensing Committee has monitored the impact of licensed premises operation across the local Southwark area. Central to this monitoring lies the annual (Local Authority / Police) Partnership Analysis of Alcohol Related Harm.
142. The Southwark analysis has developed and improved over the years as information sources have been identified and developed. The analysis now incorporates statistical analysis of
- Alcohol related violence;
  - Alcohol related disorder and rowdiness;
  - Alcohol related health harm;
  - The costs of alcohol related harm.
143. This information is supplemented by periodic reports provided the Council's Environmental Protection Team on noise nuisance complaints and other service and received information.
144. With over 1,400 licensed premises operating within the Borough, parts of Southwark have now reached saturation point. Where this occurs the economic benefits of providing alcohol outlets during the day and/or the night time economy begin to be outweighed by increased public nuisance and crime and disorder, loss of amenity and the costs of excessive alcohol consumption.
145. This Authority currently has three cumulative impact policies in place. In each case the decision to introduce a local policy has been taken having had regard with regard to the latest analysis and following the process set out in section 118 of this policy. The current CIAs are located in
- Borough and Bankside;
  - Camberwell;
  - Peckham.
146. Detailed maps are available from the Licensing Team. However, the boundaries of each local CIA are explained here. A copy of the latest partnership analysis of alcohol related harm and the Environmental Protection Team analysis of noise nuisance complaints is also available upon request from Licensing (see appendix A for contact details). The effects of each policy will continue to be monitored and reported to the Licensing Committee periodically. A policy will be removed when no longer needed.
- a) Southwark Maps can be found at:  
<https://geo.southwark.gov.uk/connect/analyst/mobile/#/main>
- b) The public-facing URL for CIAs are available at:  
[http://maps.southwark.gov.uk/connect/in\\_my\\_southwark.jsp?mylayer0=Licensing%20information%20CIP%20IMA&mylayer1=Licensing%20information%20operating%20hours%20for%20IMA&intro=CIP](http://maps.southwark.gov.uk/connect/in_my_southwark.jsp?mylayer0=Licensing%20information%20CIP%20IMA&mylayer1=Licensing%20information%20operating%20hours%20for%20IMA&intro=CIP)

- c) All licensed premises and other licensing area layers are available in this map:  
<https://geo.southwark.gov.uk/connect/analyst/mobile/#/main?mapcfg=Southwark%20Licensing>

147. The Authority also has three monitoring areas, where consideration may be given to introducing additional CIAs if the crime data analysis supports their implementation in the future. These monitoring areas are:

- Elephant and Castle;
- Old Kent Road;
- Walworth and East Street.

#### **Borough and Bankside CIA**

148. On 4 November 2009, Council Assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Borough and Bankside area. The boundary of the area was extended on 6 April 2011.

149. The boundary of the area to which the policy applies is defined as follows – Commencing at the Lambeth border on the Thames and moving southward to Waterloo Road then St George’s Circus / Borough Road / Borough High Street / Long Lane / Crosby Row / Snowsfields / Bermondsey Street directly north to the river frontage and then westward back to the Lambeth border.

150. The classes of premises within the area to which the policy shall apply will be night-clubs / public houses and bars / restaurants and cafes / off-licences, supermarkets and grocers.

#### **Camberwell CIA**

151. On 5 November 2008, Council Assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Camberwell area.

152. The boundary of the area is defined as follows – From Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crespigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.

153. The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises.

#### **Peckham CIA**

154. On 5 November 2008, Council Assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Peckham area. On 4 November 2009 the boundary of the policy area was extended.

155. The boundary of the area is defined as follows – Commencing on Peckham High Street at the junction with Kelly Avenue progressing to Gatony Street / Sumner

Road / Jocelyn Street / cross Peckham Hill Street / Goldsmith Road / Meeting House Lane / Consort Road / Heaton Road / Sternhall Lane / McDermott Road / Maxted Road / Bellenden Road / Chadwick Road / Lyndhurst Way / Peckham Road to junction with Talfourd Road and back to start.

156. The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises.

### **Review of CIAs**

157. CIAs must be reviewed every three years, to see if supporting crime statistics justify their relevance, or if those monitoring areas now justify a CIA introduction. Analysis is done, comparing any changes over long and short-term periods, looking at crime data from the Metropolitan Police and the London Ambulance Service over the last seven years. Anti-social behaviour calls to the Police, categorised as rowdy behaviour or street drinking have also been included. This data analysis is available in Appendix B. Reviewing these figures for the CIAs and the monitoring areas, the proportions do not change significantly.
158. At this time, all three CIAs are to remain in place and unchanged. The monitoring areas are to remain in place and unchanged. There is a notable level of crime in the Elephant and Castle area, but it is considered at this time, to be as a result of the location being a major transport exchange hub, with those responsible for alcohol-related crime passing through the area; rather than as a result of local alcohol-led premises. As this area is undergoing significant regeneration, with many additional future alcohol-licensed venues planned, this will be reassessed in the future.

### **Rebutting the presumption against grant within a CIA**

159. All Applicants for new premises licences or for variation of existing premises licences, made in respect of classes of premises affected by the policy, located within a special policy area, must address the local concerns raised within their application and operating schedule.
160. The licensing service, acting in its role as Responsible Authority, will review each application in the light of the special policies and will make representations where the application is likely to add to the existing cumulative impact.
161. Where a presumption against the grant of a licence exists and a relevant representation has been received, this Authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case. This Authority will need to be satisfied that the grant of the application under consideration will not impact further on the relevant licensing objectives, before any grant or part grant of the application can be approved.
162. Examples of factors that this Authority may consider as demonstrating that there will be no impact may include:
- Small premises (which is likely to be up to 50 patrons) intended to cease operation before midnight;
  - Premises which are not alcohol led and only operate during the day time economy;
  - Instances where an existing business operation is being relocated while maintaining the same style of operation;

- Where a suite of conditions is proposed that will ensure that the premises operates in a specified manner. For instance, in the case of a food led operation, a suite of conditions that governs the minimum number of covers provided; that alcohol will only be provided by waiter / waitress service and /or together with a table meal and /or in a designated area;
- Members may take steps to grant a premises licence outside of the recommendations of the Policy to promote the use of licensed premises by groups that are not well serviced with licensed premises within the Borough.

163. Examples of factors that this Authority is unlikely to consider as demonstrating that there will be no impact may include:

- That the premises will be well managed (as this is an expectation of all licensed premises);
- That the premises will be constructed to a high standard;
- That the Applicant operates a similar style of business elsewhere (such as within another Local Authority area) without complaint.

164. Any relevant representation of support will be taken into consideration.

#### **Cumulative impact outside local CIAs**

165. Where an application for a grant a new premises licence, or to vary an existing, premises licence is made in an area that is not part of a cumulative impact policy area there is a presumption to grant.

166. The Authority will accept representations that include evidence of cumulative impact issues that relate, or could relate, to the operation of the premises and the licensing objectives as a relevant consideration in determining an application.

167. While a rebuttable presumption not to grant in a cumulative impact area does not apply to applications to review a premises licence, cumulative impact can form part of a representation with supporting evidence.

#### **Early morning restriction orders (EMRO)**

168. There are no EMROs in Southwark at the time of writing this policy, however this Authority may introduce an EMRO if it feels it is 'appropriate' for the promotion of any of the licensing objectives.

## SECTION SEVEN – HOURS OF OPERATION

### **Licensing hours**

169. Prior to the introduction of the Licensing Act 2003, the Government believed that fixed and artificially early closing times were one of the key causes of both rapid binge drinking prior to closing times and of disorder and disturbance when large numbers of customers were simultaneously required to leave licensed premises. An aim was to reduce the potential for concentrations of customers from licensed premises and achieve a slower dispersal of people through flexible opening times.
170. Current Guidance now states that “the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the Licensing Authority power to make decisions regarding licensed opening hours as part of its implementation of the licensing policy and Licensing Authorities are best placed to make such decisions based on local knowledge and in consultation with other Responsible Authorities”.
171. This Authority recognises the increase in the numbers of premises licensed for the sale or supply of alcohol since the introduction of the 2003 Act and, particularly, the increase in the numbers and density of such premises within the night time economy. In such a densely populated borough such as Southwark where there is often little demarcation between residential and commercial areas the potential for late operating venues and businesses to cause nuisance and disturbance to local residents is considerable. Therefore, there will be no presumption in favour of lengthening licensing hours. The four licensing objectives should be paramount considerations at all times.
172. Table 2 (following page) provides a guide for Applicants when preparing their operating schedules as to the hours of operation that this Authority might consider appropriate by type of premises and (planning) area classification. These hours are not pre-determined and each application will be considered upon its own merits.
173. However, Applicants for licences incorporating hours that fall outside of the guidance offered are expected to explain fully within their application, the arrangements intended to be put in place to ensure that the premises does not add to cumulative impact, or to disturbance and / or disorder in the area late at night. Applicants who wish to provide licensable activities outside the hours specified should ensure that the operating schedule specifies detailed measures 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 premises of a similar nature and the hours of operation of those premises.

174. Operating schedules with insufficient detail are more likely to be refused, have limitations in hours applied, or have additional conditions imposed upon them by the Licensing Sub-Committee. The Licensing Authority may impose further limitations in hours upon review of the licence, particularly where the premise is shown to be the focus or cause of nuisance or anti-social behaviour.
175. Applicants should note that where applications relate to premises that are located within more densely populated areas, stricter controls with regard to noise control may be necessary. For guidance please see section 9 on the prevention of public nuisance.
176. It has been previous policy of this Authority (consistent with then published Guidance) that shops, stores and supermarkets selling alcohol would normally be permitted to provide sales of alcohol for consumption off the premises, at any time when the retail outlet is open for shopping. However, concerns raised regarding the impact upon the local community from the increase in the availability of alcohol, especially in the night time period or early morning, apply equally to the off licensed as the on licensed trade. Applicants seeking licences to provide for the sale or supply of alcohol for consumption off the premises are directed to this guidance also.

Table 2 – Suggested closing times of licensed premises

Type of premises	Major town centres and strategic cultural area	District town centres	Local centres and small shopping parades	Residential areas
	Bankside and Borough London Bridge Canada Water Elephant and Castle (including Walworth Road) Peckham St Mary's Churchyard (Rotherhithe)	Camberwell Herne Hill Lordship Lane Note: Borough and Bankside and London Bridge are also classified as District Town Centres. However, as they have dual Categorization as Strategic Cultural Areas the later hours apply	The Blue Dulwich Village Nunhead Forest Hill Road Peckham Park Road Great Suffolk Street Southampton Way Southwark Park Road 1-21 London Road	All other
Restaurants and cafes	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 00:30 Sun – Thurs 23:30	Fri – Sat 00:30 Sun – Thurs 23:30
Public houses, wine bars, or Other drinking establishments and bars in other types of premises	Fri – Sat 00:00 Sun – Thurs 23:00	Fri – Sat 00:00 Sun – Thurs 23:00	Fri – Sat 00:00 Sun – Thurs 23:30	Fri – Sat 00:00 Sun – Thurs 23:30

Hotel bars and guest houses	No restrictions for residents	No restrictions for residents	No restrictions for residents	No restrictions for residents
Night clubs (with 'sui generis' planning classification)	Fri – Sat 03:00 Mon – Thurs 01:00 Sun 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Not considered appropriate	Not considered appropriate
Off-licences and alcohol sales in grocers and supermarkets	00:00 daily	00:00 daily	23:00 daily	23:00 daily
Take-away establishments LNR	Fri – Sat 01:00 Sun - Thurs 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 00:00 Sun – Thurs 23:00	Not considered appropriate
Cinemas and theatres	02:00 daily	01:00 daily	00:00 daily	23:00 daily
Vessels	23:00 daily	23:00 daily	23:00 daily	23:00 daily
Qualifying members' clubs	02:00 daily	01:00 daily	00:00 daily	23:00 daily
Event premises/ spaces where sale of alcohol is included in, and ancillary to, range of activities including meals	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 01:00 Sun – Thurs 00:00	Fri – Sat 00:00 Sun – Thurs 23:00	23:00 daily

177. It should be noted that there are three areas which are strategic cultural areas that are situated outside a major town centre, two for part of the Borough and Bankside SCA and a third area in Rotherhithe, these are listed below:

- Shad Thames area bounded by Tower Bridge Road, Tooley Street, St. Saviours Dock and the River;
- Triangle area bounded by Bermondsey Street, Tower Bridge Road and the Railway;
- St Mary's Churchyard area Rotherhithe.

178. It is recognised that these areas, although of mixed use, have a high residential usage and consideration for the later hours beyond those recommended for a residential area should be accompanied by evidence that the proposal is intended to enhance the provision of arts, culture and tourism in the area.

179. For premises that do not fall within one of the types of premises listed the on sale of alcohol shall be considered to fall within the premises type for a bar, some examples may be breweries with a tap room for on sales of alcohol, a hotel bar for non-residents, a bar or supply of alcohol in an office/workspace and event spaces which does not fall into the event premises/space category.

180. Similarly for types of premises that sell off sales of alcohol but do not fall within one

of the listed categories shall be considered to fall within the premises type for an off licence, for instance “petrol stations,” where the restriction to sell alcohol under section 106 of the Licensing Act 2003 does not apply, the premises may be considered as predominately being a grocers.

181. Where the sale of alcohol is not considered the primary activity of the premises, then it is appropriate to condition the sale of alcohol as ancillary to the primary activity, for instance to qualify for the restaurant hours alcohol should be mainly ancillary to the provision of food.

182. For the purpose of this guidance the following area classifications are made

- Major town centres – Canada Water, Elephant and Castle (including Walworth Road) and Peckham;
- Strategic cultural areas – Bankside, Borough and London Bridge (Note: These areas are also district town centres but here this classification will apply), St Mary’s Churchyard (Rotherhithe);
- District town centres – Camberwell, Herne Hill and Lordship Lane;
- Local centres and small shopping parades – The Blue, Dulwich Village, Nunhead and 1-21 London Road;
- Residential – All other.

183. A map showing the boundaries of each area is included at Appendix B.

#### **Drinking up time**

184. An Applicant for on sales of alcohol should always consider a reasonable drinking up time. This is the difference between the last sale of alcohol taking place and the closing time of the premises. We would usually expect this to be half an hour, unless there are extenuating circumstances. The closing time, as listed on the licence, means that no members of the public may remain on the premises and no licensable activities can take place. Employees of the premises are permitted to remain after this time for cleaning etc.

#### **Late Night Levy**

185. Southwark carried out a formal consultation on the introduction of a late night levy across the Borough, in accordance with the Police Reform and Social Responsibility Act 2011 and relevant Regulations. The determination to introduce the levy was made by Full Council on 17 July 2019 with an implementation date of 01 September 2019.

186. The levy is a discretionary power, which this Council has adopted. The purpose of the levy is to assist Local Authorities and the Police to manage and improve the night time economy. The Levy will allow the Council to charge a fee to businesses that are licensed to sell/supply alcohol between 00:01hrs and 06:00hrs. This charge applies whether these licensed (permitted) hours are used or not and is dependent on the rateable value of the premises and the levy amounts are set by the Government.

#### **Exemptions from the levy**

187. The following premises are allowed an exemption:

- a) Premises with overnight accommodation. This exemption does not apply to any premises which serve alcohol to members of the public who are not staying overnight at the premises. A premises offering overnight accommodation



supplying alcohol to bona fide residents after midnight, will require a condition on their Operating Schedule enforcing this;

- b) Theatres and cinemas. This exemption only applies if alcohol is sold during the late night supply period, only for consumption on the premises, to ticket holders, participants in the production or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose. A premises supplying alcohol to ticket holders after midnight, will require a condition on their Operating Schedule enforcing this;
- c) Community Amateur Sports Clubs. These are clubs registered as Community Amateur Sports Clubs with HMRC that are entitled to various tax concessions including relief from business rates;
- d) New Years Eve premises only. This applies to premises which are authorised to sell/supply alcohol between midnight and 06:00hrs, and applies ONLY on New Year's Day;

188. Temporary Event Notices (TENs) and the levy:

- TENs are exempt from the Late Night Levy because they are not included within the scope of the legislation governing the levy.

189. Reduction:

- The Council has decided that a reduction of 30% be granted to premises licence holders in relation to on-trade premises that are in receipt of Small Business Rate Relief (as specified in Part III of the Local Government Finance Act 1988) and have a rateable value of £12,000 or less.

190. Spending of the levy revenue:

- The Council can recover all costs associated with the administration of the levy system. These are the costs that the Council incurs with the introduction or variation, administration, collection and enforcement of the levy.

191. The amount leftover after the above deductions (the net levy revenue) must be split between the Mayor's Office of Policing and Crime (MOPAC) and the Council, on a 70/30 basis, in favour of MOPAC. However MOPAC has agreed that the whole amount will be held in a central trading account. The allocation of this funding will then be managed through our current Night Time Economy contract with the Metropolitan Police.

192. The Council is restricted as to what it can use the funds for; it must be used to fund services to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. The Council can only spend the money on the following measure:

- Reduction of crime and disorder;
- Promotion of public safety;
- Reduction or prevention of public nuisance;
- Cleaning of any relevant highway or relevant land within the Borough.

193. How the remaining monies will be spent is decided by a Board made of Police, Council and representatives of local residents and businesses.

**SECTION EIGHT – THE FIRST LICENSING OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER**

194. The Council recognises that well run licensed premises can make a valuable and positive contribution to the local community through the local economy, tourism, and cultural development. However, poorly managed licensed premises, especially those offering late night alcohol and / or entertainment, or late night refreshment for large numbers of people, can become a serious source of crime and disorder or anti-social behaviour problems.
195. This Authority will expect Applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of crime and disorder associated with the premises operation. The operating schedule should demonstrate an understanding of the level of risk of crime and disorder and include positive proposals to manage any potential risk.
196. Relevant issues might include:
- Anti-social behaviour;
  - Drunkenness on the premises;
  - Public drunkenness;
  - Violent behaviour;
  - The possession of weapons;
  - Drugs use;
  - Underage drinking;
  - Theft of personal property;
  - Trafficking and illegal workers;
  - Prostitution, lewd acts and similar offences;
  - Child sexual exploitation;
  - Harassment;
  - Counterfeit goods;
  - Non-duty paid goods and tax evasion;
  - Maintenance of smoke-free environments, including shisha bars.
197. Applicants are recommended to seek advice from the Council's Licensing Team, the Police and Trading Standards when carrying out their risk assessments and in preparing their operating schedules.
198. While it is recognised that there is no requirement in the 2003 Act to do so, Applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.
199. The main part of this section of the strategy is intended to provide a guide to prospective licence Applicants as to the types of controls that may be appropriate for the promotion of the prevention of crime and disorder licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the Controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

200. Where its discretion is engaged following consideration of relevant representations, the Licensing Authority will consider attaching relevant conditions to licences and permissions to deter crime and disorder, both inside and immediately outside the premises. As far as possible these will reflect local crime prevention strategies.
201. This Authority recommends the range of qualifications designed to support the licensing objectives, available from the British Institute of Innkeeping (BII). Further information is available by contacting the BII by e-mail at the following address [enquiries@bii.org](mailto:enquiries@bii.org)

### **Mandatory conditions applying to all premises licensed for the supply of alcohol**

202. The following conditions will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol:

#### Designated premises supervisor

- No supply of alcohol may be made under the premises licence (a) at a time where there is no designated premises supervisor in respect of the premises licence; or (b) at a time when the designated premises supervisor does not hold a personal licence, or that licence is suspended.

#### Personal licence holder

- Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.

#### Minimum drinks pricing

- A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price;
- For the purpose of this condition 'permitted price' is found by applying the formula  $P=D(DxV)$  where
  - P is the permitted price
  - D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol
  - V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

### **Mandatory conditions applying to premises licensed for the supply of alcohol for consumption of alcohol on the premises only**

203. The following conditions will apply to those premises licences and club premises certificates which authorise the supply of alcohol for consumption on the premises:

#### Irresponsible drinks promotions

- The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises;
- In this paragraph, an irresponsible drinks promotion means any one or more of the following activities or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - Games or other activities which require or encourage, or are designed to require or encourage individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises

- before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- Provision of unlimited or unspecified quantities of alcohol free or for a fixed discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - Provision free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### Requirement to supply alcoholic drinks in certain quantities

- The responsible person must ensure that:
  - Where any of the following alcohol drinks is sold or supplied for consumption on the premises (other than alcohol drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures (i) beer or cider ½ pint; (ii) gin, rum, vodka or whisky 25ml or 35ml; and (iii) still wine in a glass 125ml;
  - These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Mandatory conditions for door supervision – except theatres, cinemas, bingo halls and casinos**

204. The following conditions apply to all premises licences and club premises certificates requiring door supervision except theatres, cinemas, bingo halls and casinos.

#### Security Industry Authority licences

- Where the premises licence includes a condition that at specified times one or more individual must be at the premises to carry out a security activity, each such individual must (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or (b) be entitled to carry out that activity by virtue of section 4 of the Act.

#### **Measures in support of the prevention of crime and disorder licensing objective – all premises**

205. When compiling operating schedules Applicants are strongly advised to give consideration to:

- **The setting of a safe capacity limit** – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding

- giving rise to risk of crime and disorder;
- **Use of crime prevention notices** – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers;
- **Publicise details of the premises operation** – Display details of the premises opening and closing times;
- **Installation of CCTV** – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times and a member of staff on duty that is able to operate the CCTV system;
- **The removal of low cost, high strength alcohol from offer** – To help reduce street crime and violence and anti-social behaviour from public drunkenness. Any beers or ciders above 6.5% are considered high strength;
- **Development of a drugs policy in conjunction with the Police** – Establish a clear written anti-drugs policy and publicise this to customers;
- **Use bona fide suppliers** – Being mindful of the prevalence of counterfeit products, particularly alcohol and tobacco, to only stock from legitimate and traceable suppliers (having regard to the traceability requirements in Regulation 4 of the General Food Regulations 2004);
- **Denying access to hawkers** – Prevent counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises.

#### **Premises supplying alcohol for consumption upon the premises**

206. Consideration should be given to the measures set out below. This particularly applies (though not exclusively) in the case of any application for a 'high volume vertical drinking' (HVVD) premises

- **Use of plastic containers and toughened glass** – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Premises should be using reusable polycarbonate plastic receptacles as the alternative to glass. Single use plastics (both receptacles and straws) should not be used unless there is no alternative. Note: All plastic glasses, both single use and reusable, must carry the approved CE mark when used for draft beer, cider and wines;
- **Introduce bottle bans** – Decant drinks into glasses before being handed across a bar;
- **Provide seating for customers** – sufficient to ensure that the majority of customers do not have to stand;
- **Ensure good availability of soft drinks and food;**
- **Maintain control over the removal of open containers** – To prevent the use of containers as weapons in the street;
- **Discouraging sales of whole or half bottles of spirits;**
- **Off sales to be sold in sealed containers for consumption away from the premises to minimize public nuisance.**

#### **Premises providing alcohol for consumption upon the premises and regulated entertainment in the night-time economy**

207. Consideration should be given to

- **Employment of appropriate number of SIA registered door**

**supervisors** – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures. A minimum of two SIA would be expected on most premises;

- **Make personal searches by door supervisors a condition of entry** – Including the provision of signage and female SIA for personal searches conducted on female customers and performers;
- **Provide door supervisors with search wands / search arches** – Maintained in good working order and used on all occasions;
- **Provide a drugs and weapons box** – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the Police in accordance with the Police instructions;
- **Install ID scanning and recording equipment** – Requiring all customers seeking admission to the premises to provide ID and agree to being recorded. Notices should be provided to this effect. PASS approved Proof of Age cards should be accepted as part of the age verification system;
- **Establish a last admissions policy** – For both admissions and readmissions. Publicise this at the premises;
- **Establish a Dispersal Policy** – Helping to reduce the potential for disturbance to local residents;
- **Co-operate with the Police and Council on Risk assessments** Management should carry out a risk assessments on all DJ and Live music events and advise Police of any medium or high-risk events so advice can be obtained to minimise the risk to the public. To participate in the voluntary partnership for venues and promoters (Safer Sounds crime reduction partnership);
- **Avoid certain performances and exhibitions** – That no film be exhibited or performance given that is likely to stir up hatred or incite violence against any section of the public on grounds of colour, race or ethnic or national origin, disability religious beliefs, sexual orientation or gender;
- **Police promote the use of CCTV to prevent and assist with detection of crime and terrorism. The following conditions should be included within relevant applications in consultation with the Police Licensing Unit.**
  1. That a CCTV system be installed at the premises, be maintained in good working order and be continually recording at all times the premises are in use. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises;
  2. That all CCTV footage be kept for a period of 31 days and shall be made immediately available to Officers of the Police and/or Council on request;
  3. That a member of staff shall be on duty at all times the premises is open who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of Police and / or Council Officers.

#### **Note on DPA retention and disposal of captured images**

208. The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the government. Where a premise collects personal data, including CCTV images and ID scanners in licensed premises, the licence holder should have a formal procedure in place regarding the use, retention and

destruction of this data within a reasonable time period. Everyone responsible for using personal data has to follow strict rules called 'data protection principals'. They must make sure the information is:

- used fairly, lawfully and transparently;
- used for specified, explicit purposes;
- used in a way that is adequate, relevant and limited to only what is necessary;
- accurate and, where necessary, kept up to date;
- kept for no longer than is necessary;
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

See: <https://www.gov.uk/data-protection>

### **Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol**

209. This Authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this chapter require either a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.
210. However, this Authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.
211. This Authority considers it reasonable to expect therefore that either the designated premises supervisor or another personal licence holder will normally be present upon the premises at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This Authority does recognise that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but this Authority considers that this should not occur for any extended period and emphasises that there can be no abdication of responsibility in their absence.
212. Furthermore, this Authority expects that authorisations of other staff to sell and supply alcohol made by the designated premises supervisor, preferably in written form; and any other personal licence holders must be meaningful and be properly carried out.
213. It is understood that, ultimately, whether or not an authorisation has been given within the meaning of the Act will be a matter for a court to determine on the evidence before it when the issue arose, but this Authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real authorisation:
- a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified;

- b) The authorisation should have specified the acts which may be carried out by the person being authorised;
- c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised;
- d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

214. Attention is drawn; however, to the fact that recent provision has been made for certain community premises to apply for the removal of the mandatory condition relating to the requirement for a DPS and personal licence and replace this with an alternative condition making a Management Committee or Board of individuals responsible for the supervision and authorisation of alcohol sales. Where such application is made the Council will expect the Applicant to demonstrate that the arrangements for the management of the premises by the Committee or Board are adequate to ensure adequate supervision of the supply of alcohol on the premises. In cases where it is intended to make the premises concerned available for private hire, this Authority will wish to consider the arrangements for hiring agreements. This consideration will include steps to be taken to ensure that the hirer is aware of the licensing objectives and offences in the 2003 Act and to ensure that no offences are committed during the period of the hire.

#### **Door Supervision**

215. Door supervisors will often play an important key role in ensuring that well managed premises are free from crime and disorder and nuisance problems. A reminder is given that where a premises licence (other than for plays or films) includes a condition that at specified times there must be persons employed for the purposes of security; protection; screening the suitability of persons entering premises; or dealing with conflict in pubs, clubs and other licensed premises open to the public, then such persons must be registered with the Security Industry Authority (SIA). In any event it is in operator's own interests to ensure that all security staff employed, whether under contract or employed in-house are so licensed, since the operator may be legally liable for their actions. Licensed door supervisors will have undergone an identity and criminal record check and have received suitable training. It is recommended that employers should consider using only SIA approved contractors to source staff. More information on the SIA is available from their website at [M](#).

#### **Police promotion event risk assessments**

216. This Authority recommends that for significant events (see note below) further specific comprehensive risk assessments are undertaken by premises licence holders to identify and minimise any risk of serious violent crime (or public nuisance). Accordingly, for premises that wish to stage promotions, or events (as defined below) this Authority recommends that Applicants address the risk assessment and debrief processes in their operating schedules.

217. Risk assessment should be completed by the management for all 'significant events' and when they are assessed as medium or high risk by the management or have an audience of over five hundred the Police should be informed. This Licensing Authority anticipates that these will be forwarded to the Metropolitan Police and a consultation will take place. Risk assessments should be submitted to the Metropolitan Police more than 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.



218. Note: The Metropolitan Police define “a significant event” as any occasion in a premises licensed under the provisions of the licensing act 2003, that is promoted / advertised to the public at any time before the event; predominantly features live music, DJs or MCs performing to a recorded backing track; runs anytime between the hours of 22:00hrs and 04:00hrs; and is in a nightclub or large public house. Licensees should consult with the local Police Licensing Office if in any doubt as to whether an event is “significant”.

### **Adult Entertainment**

219. The Licensing Authority along with the Responsible Authorities have concerns that the licensing objectives are engaged by the operation of premises where nudity, partial nudity or adult entertainment of a sexual nature is carried out. Applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity or adult entertainment of a sexual nature.
220. Other than in the context of film classification, censorship of the content of regulated entertainment is a proper function of licensing law, and cannot be properly related to the licensing objectives. The Council as the Licensing Authority does not seek to censor the content of regulated entertainment; matters of indecency are covered by other legislation.
221. Premises providing adult entertainment on a regular basis will be subject to the separate licensing regime for Sexual Entertainment Venues (SEV) under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009. These provisions were adopted by this Authority on 20 October 2010 and made effective from 1 April 2011. This Authority’s approach to the licensing of sex establishments and sexual entertainment venues is covered in full under the separate Southwark Sex Establishments Licensing Policy, which is available from the licensing service.
222. The Council in its role as the Licensing Authority seeks to regulate the location of premises offering nudity, partial nudity or adult entertainment of a sexual nature, in pursuit of the licensing objectives of the prevention of crime and disorder and prevention of public nuisance. It seeks to regulate the way in which this type of entertainment is conducted in order to prevent crime and disorder, promote public safety and protect children from harm (including sexual exploitation) when undertaking licensing functions.
223. Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
224. In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act, and;
  - relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.
225. It is also possible that adult entertainment may take place at certain times on the premises. For example, a premise may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 20:00hrs.
226. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, Responsible Authorities and Licensing Authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
227. When considering application which include adult entertainments this Authority will take into account
- The nature of the area;
  - The marketing and advertising arrangements for the entertainment;
  - The external views of the premises;
  - Any other factors proposed by the Applicant to mitigate against concerns.
228. When considering applications within this policy, the Licensing Authority will have particular regard to whether the premises are in the vicinity of the following:
- Residential accommodation;
  - Schools;
  - Places of worship;
  - Other premises where entertainment of a similar nature takes place;
  - Community centre;
  - Youth clubs;
  - Any other premises in the vicinity as appear necessary to the Licensing Authority on the facts of each application.
229. Where appropriate, the Licensing Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.
230. Where such applications are made the Applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity or adult entertainment of a sexual nature. The following matters may be necessary to promote the licensing objectives and Applicants should consider whether any of the following measures are reasonably required:
- A code of conduct for performers and appropriate disciplinary procedures, developed in consultation with the Police and the Council;
  - Adequate arrangements to exclude persons under 18 year of age from the premises;
  - Adequate arrangements to ensure the adult entertainment cannot be seen from the street;

- That there is no external advertising of the entertainment either at the premises or in the immediate vicinity;
- The prohibition of leafleting or touting for business;
- The designation of an area of the premises for the entertainment with segregation maintained between the performers and the audience and direct access for performers to a dressing room without having to pass through or coming into close proximity with the audience;
- The prohibition of the participation of customers in the performance;
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance;
- The provision of CCTV and the maintenance of a library of recordings;
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code;
- Rules of conduct for customers, including appropriate procedures for breach of these rules;
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work;
- The provision of supervisors and security staff;
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity.

231. Conditions will be imposed, as may be necessary, requiring that all service is to seated customers; prohibiting the participation of customers in performances and maintaining a minimum distance of one metre between performers and customers, and between performers during performances. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. The Licensing Authority may attach other conditions as appropriate.

232. Applications for premises which provide music, dance and late night refreshment, that do not specify that there will be nudity, partial nudity or adult entertainment of a sexual nature, services or other entertainment which may give rise to concern in respect of children in the relevant part of the application (currently Box N of the application form), will be asked to accept a “no nudity and no adult entertainment of a sexual nature” condition.

233. Where a premises user gives notice of an event under a temporary event notice in the form as prescribed in regulations made under the 2003 Act the user will be required to describe key aspects of the proposed event. This must include whether they will be undertaking any relevant entertainment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to lap dancing and pole dancing).

### **The sale and possession of smuggled, bootlegged or counterfeit products and the handling of stolen goods**

234. The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods:

- Smuggled – foreign brands illegally brought into the UK;
- Bootlegged (duty evaded) foreign products brought into the UK in illegal quantities and / or resold in the UK;
- Counterfeit – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands.

235. Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. To prevent these offences occurring, the Licensee should consider taking certain precautions. Advice on this can be obtained from the Council's Trading Standards service. Note: That on conviction for offences relating to counterfeit products a proceeds of crime confiscation hearing may be sought by the Council.

### **Theft of personal property**

236. Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the Borough. Applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

237. Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade;
- Provide controlled cloakroom areas;
- Provide Chelsea clips under tables;
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended;
- Provide and publicise internal CCTV;
- Ensure adequate staffing levels and provided appropriate staff training.

238. Officers from the Police crime prevention will be happy to visit and advise on arrangements at your premises.

<b>SECTION NINE – THE SECOND LICENSING OBJECTIVE – ENSURING PUBLIC SAFETY</b>
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239. Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the Licensing Act 2003. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from excessive alcohol consumption such as unconsciousness or alcohol poisoning.
240. The licensable activities under consideration can potentially take place within a broad range of premises. This includes night clubs; concert halls; bars and public houses; restaurants and cafes; cinemas; theatres; supermarkets, convenience stores and grocers; off-licences; and fast food outlets. Each of these types of operation potentially presents a mixture of risks. While many risks are common to most premises, others are unique to specific operations. It is essential that premises are constructed or adapted, configured and managed in a manner which acknowledges these risks and safeguards occupants against them.
241. This Authority is committed to ensuring the safety of people visiting and working in licensed premises. Thereby, this Authority expects Applicants for premises licenses and club premises certificates to prepare their operating schedule on the basis of a risk-assessment and demonstrate an understanding of the potential risks and hazards and include positive proposals to promote the public safety licensing objective.
242. A number of matters should be considered in relation to public safety. These may include:
- Premises configuration and site layout arrangements including adequate means of escape and signage;
  - Fire safety;
  - Emergency systems;
  - Temporary structures;
  - Ensuring appropriate access for emergency services, such as ambulances;
  - Good internal and external communication systems, including with Local Authorities and emergency service (for example communications networks with the Police and signing up for local resident incident alerts);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Hygiene and welfare facilities;
  - Special installations and special effects;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transport);
  - Ensuring appropriate and frequent waste disposal, particularly of glass and bottles;
  - Ensuring appropriate safe limits on the maximum capacity of the premises;
  - Considering the use of CCTV in and around the premises (see previous section);
  - Considering the use of licensed security.
243. Applicants are recommended to seek advice from the Council's Occupational Health and Safety Team and / or local fire safety Officers (see contact details in appendix A of this document) when carrying out their risk assessments and

preparing their operating schedules. Reference should also be made to the following documents, where appropriate:

- **Model National and Standard Conditions for Places of Public Entertainment** and Associated Guidance ISBN 904031 11 0 (Entertainment Technology Press – ABTT Publications);
- **The Event Safety Guide** - A guide to health, safety and welfare at music and similar events (HSE 2002) ("The Purple Book") ISBN 0 7176 2453 6;
- **Managing Crowds Safely** – A Guide for Organisers of Events and Venues (HSE 2000) ISBN 0 7176 1834 7;
- **5 Steps to Risk Assessment: Case Studies** (HSE 1998) ISBN 07176 15804;
- **The Guide to Safety at Sports Grounds** Published by the Safety at Sports Grounds Authority ("The Green Guide") 2007 ISBN 9780117020740;
- **Safety Guide for Street Arts, Carnival, Processions and large scale Performances** published by the Independent Street Arts Network, copies of which may be obtained through <https://outdoorartsuk.org/product/safety-guidance-for-street-arts-carnival-processions-and-large-scale-performance/>
- **Fire Safety Risk Assessment – Open Air Events and Venues**” (ISBN 978 1 85112 823 5) which is available from the Communities and Local Government website [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire)
- **Technical Standards for Places of Public Entertainment 2013** – The Association of British Theatre Technicians; The Chartered Institute of Environmental Health; The District Surveyors’ Association; and The Institute of Licensing;
- **Safer Clubbing** - Produced by the Home Office in conjunction with the London Drugs Policy Forum.
- **Fire Safety Risk Assessment: Means of escape for the disabled**’ ISBN 9781851128730 available from the following Government website <https://www.gov.uk/government/publications/fire-safety-risk-assessment-means-of-escape-for-disabled-people>

244. The following British Standards should also be considered

- BS 5839 (fire detection, fire alarm systems and buildings);
- BS 5266 (emergency lighting systems).
- BS 9999

245. While it is recognised that there is no requirement in the 2003 Act to do so, Applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.

246. This main part of this section of the strategy is intended to provide a guide to prospective licence Applicants as to the types of controls that may be appropriate for the promotion of the public safety licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

247. Where its discretion is engaged following the consideration of relevant representations, the Licensing Authority will consider attaching relevant

conditions to licences and permissions to promote public safety, where these are not provided for within other legislation and are necessary for the promotion of the public safety licensing objective. This may include additional site specific controls relevant to the planned activities and their timing.

#### **Other relevant legislation**

248. Applicants are firstly reminded of the general duties imposed under other legislation (i.e. the Regulatory Reform (Fire Safety) Order 2005) and the Health and Safety at Work Regulations 1999 (see appendix B – Other relevant legislation and strategies).

#### **Mandatory condition applying to all premises licensed for the supply of alcohol for consumption upon the premises**

249. The following condition will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol for consumption upon the premises.

##### Free potable water

- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

#### **Measures in support of the public safety licensing objective – Taking a proactive approach to customer safety**

250. Applicants are encouraged to take a proactive approach to public safety issues and to discuss appropriate measures with the Responsible Authorities concerned. Many of the considerations dealt with in the previous section of this policy (dealing with the prevention of crime and disorder) are relevant here. However, consideration should also be given to:

- Ensuring adequate members of staff are on duty upon the premises so as to ensure proper management control may be maintained;
- To provide a full range of soft drinks as an alternative to alcohol (and free tap water when requested);
- Restricting 'special offers' around alcohol to slow down consumption; the rate at which blood alcohol concentrations increase; and peak levels reached by drinkers. Rapidly ascending and high blood concentrations are shown to be associated with violence and uninhibited behaviour;
- Align pricing with alcohol by volume (ABV) and ensure that non-alcoholic drinks are kept much cheaper;
- Restrict sales of alcopops where they could attract under age purchasers;
- Restrict sales of beer or cider over a specified ABV;
- Restrict sales of single cans of alcohol;
- Make food available in late venues;
- Tasking staff to actively monitor customers present upon the premises so as to ensure that no customer continues to be supplied with alcohol to a point where they become drunk;
- To ensure the regular collection of glass within the venue and / or external areas;
- To ensure against drinks being "spiked" or otherwise tampered with. This can be supported by providing a controlled safe areas for drinks to be kept while customers go outside of the premises for a cigarette;
- Increasing the amount of seating provided for customers to reduce more intensive drinking;
- Reduce the volume of music as loud music can increase alcohol consumption;

- Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks;
- Start the sale of alcohol later in the day and do not align it purely with opening hours;
- Do not provide advertisements for alcohol in shop windows or display boards or other advertising for alcohol on the shop floor;
- Store alcohol in controlled areas;
- To ensure all (internal and external) parts of the premises are adequately lit and may be monitored by staff.

### **Road safety outside Premises**

251. Licence holders or Applicants that wish use an area of public highway or other public space as part of their licensable area, must take reasonable steps to ensure the safety of patrons using such public space. Whilst giving consideration to Hostile Vehicle Mitigation (HVM), the Applicant must determine if HVM is
- a) Justifiable;
  - b) Affordable;
  - c) Sustainable;
  - d) Proportionate;
  - e) Effective;
  - f) Reasonable.
252. This Authority may licence items under the Highways Act 1980, administered by the Highways Licensing Team [Highwayslicensing@southwark.gov.uk](mailto:Highwayslicensing@southwark.gov.uk) . In these cases it is the responsibility of the business to provide safe areas for patrons to stand sit or smoke. Any street furniture in a footway must have a highway licence. There may be a requirement to limit the number of people outside at any one time as part of that licence to protect the passing public and customers from overcrowding.
253. If a business applies to the Authority to use a carriageway for a standing or seating area, there must be consultation with the Metropolitan Police and Metropolitan Police Counter Terrorism Officers (CTSA) in addition to consent from the Highway Licensing Team. Recommendations by the Police/CTSA will be included in the conditions of any licence issued by the Authority. It is the responsibility of the business to ensure any recommended measures are in place, the cost of implementing these measures are also the responsibility of the business. Consideration must be given to the following legislation and advice notes for any items in a carriageway.

<https://www.gov.uk/government/publications/safety-at-street-works-and-road-works>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/820082/170614\\_crowded-places-guidance\\_v1b.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820082/170614_crowded-places-guidance_v1b.pdf)

### **Safe capacities**

254. The Guidance to Licensing Authorities states that “safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. Guidance explains that while licence conditions should not duplicate other statutory provisions, for instance the Regulatory Reform (Fire Safety) Order 2005, Licensing Authorities and Licensees should be mindful of requirements and responsibilities placed on them by other legislation, when setting a safe capacity which would apply at any material time when the licensable activities are taking place and make representations to that effect.



255. The position of the Authority and the Responsible Authorities is that the importance of the role of safe capacities in terms of both public safety and crime and disorder should not be underestimated.
256. Accordingly, it is recommended that wherever the setting of a safe capacity during the provision of licensable activities will assist issues of crowd safety or public order, this is addressed by the operating schedule. Safe capacities should consider not only the overall capacity of a premises but the potential for localised overcrowding within premises also. This is particularly relevant in larger premises, where several activities are taking place in different areas of the same premises at the same time.
257. It should also be noted that where an Applicant wishes to take advantage of the special provisions in Section 177 of the Act relating to small venues then a capacity must be set in consultation with the risk assessor through the Fire Safety Risk Assessment.
258. For guidance in calculating safe capacities Applicants may refer to the London District Surveyors Associations Technical Regulations referenced in this Section, or smaller venues RU SAFE? (2014): a guide to running small venues free download <http://www.abtt.org.uk/shop/guidance/ru-safe/>

#### **Ensuring safe departure of those using the premises**

259. Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Provide full, clear and up to date information on web sites and other promotional literature on local public transport availability to enable customers to plan their journeys to and from the premises in advance;
  - Provide information upon the premises of local taxi companies who can provide safe transportation home;
  - Provide facilities to wait for transport in a secure environment;
  - Maintain sanitary accommodation available to customers waiting for transport;
  - In the event that a customer appears to have had too much to drink, to assist in making arrangements for a safe journey home;
  - Provide adequate lighting outside the premises, particularly on paths leading to and from the premises.

#### **Women's Safety Charter**

260. This Authority is concerned over anecdotal feedback that female sexual harassment at bars and night clubs is seen as normalised behaviour and goes unchallenged and unreported.
261. In November 2014, Southwark Council launched the Women's Safety Charter. The charter is intended to highlight the concerns over sexual harassment and ensure that these are properly addressed by licensed venue management. The charter asks licensees to:
- Prominently display high visibility posters in their venue which discourage harassment and encourage reporting;
  - Take every report of harassment and sexual intimidation seriously and take appropriate action;
  - Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises;
  - Train all front of house staff to address women's safety and harassment;

- Take active steps to ensure females leave the venue safely.

262. Many responsible, progressive local businesses signed up to the Charter upon its launch. This Authority strongly recommends that every licensed operator demonstrates their commitment to ensuring that their premises also provide a safe environment for women by doing the same. Further information, advice and support are available on the Council's website or by contacting the Licensing Unit. <https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

## SECTION TEN – THE THIRD LICENSING OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE

### **Introduction to public nuisance**

263. Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour and as part of the holistic approach to the management of the evening and night-time economy. The council expects that premises intended for the provision of noise-generating licensable activities are acoustically controlled to a degree whereby the noise from the premises when compared to the ambient noise level will not cause undue disturbance. Developers building new residential premises in close proximity to licenced premises to implement the 'agent of change' principle by incorporating a high standards of mitigation measures into the design and construction of residential properties to protect future residents from nuisance from licenced venues. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music above the volume level of acoustic musical instruments adjoining residential properties may not be appropriate.

264. This Authority expects Applicants for premises licences and club premises certificates to have made relevant enquiries about the local area before submitting their application. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside while it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site at an early stage. Though each site will be considered upon its own characteristics, locating licensable activities in town centres on main roads well served by public transport will generally offer a better prospect of mitigating the impact of the activity.

265. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to the local community. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

266. Relevant considerations might include

- Preventing disturbance caused by patrons upon arrival; when queuing or being admitted to the premises; while congregating outside the premises; or upon departure. This particularly (though not exclusively) between 22:00hrs and 08:00hrs;
- The provision of adequate parking arrangements for customers, preventing illegal parking and obstruction of emergency and other vehicles;
- The prevention of queues of traffic forming outside the premises;
- The availability of alternative public transport and local provision for licensed taxis or private hire vehicles, including arrangements to ensure their use does not cause disturbance to local residents;
- Preventing noise and vibration escaping from the premises, including from

music played upon the premises; public address systems; and customer noise;

- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc.;
- The need for regular patrols of the boundary of the premises and / or at the nearest residential points to ensure nuisance impacts are not being experienced by neighbours;
- Controlling disturbance that may be caused by the use of external areas. This should include gardens and terraces as well as other open-air areas including the highway (particularly in relation to the smoking ban and passage of patrons between internal and external areas);
- Arranging clear up operations conducted by staff so they do not cause a nuisance and controlling staff departures;
- Restricting delivery and collection times (waste, equipment and consumables) to between 08:00hrs and 20:00hrs;
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting;
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises;
- Preventing odour from food preparation and have adequate kitchen extraction systems in place.

267. Applicants are recommended to seek advice from the Council's Environmental Protection Team when preparing their operating plans and schedules. Where relevant, Applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs";
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>;
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Southwark Events Team policies;
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by EMAQ (2018) ;
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005);
- Southwark's Environmental Protection Team's Technical Guidance for Noise (2019).

268. While it is recognised that there is no requirement in the 2003 Act to do so, Applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application. Where appropriate, an acoustic report / noise impact assessment can also be submitted to support an application.

### **Guide to control measures**

269. This section of the strategy is intended to provide a guide to prospective licence Applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be

appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation

270. Applicants should note that where the discretion of the Authority is engaged following consideration of relevant representations, the Licensing Authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

### **Preventing nuisance outside of premises**

271. Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. This forms the basis for many of the complaints received within the Authority, especially through the summer months. While people noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and may also hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.
272. Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted endangering the continuation of the premises licence.
273. Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:
- Queues of patrons awaiting admission and how these are arranged;
  - The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. It is suggested that a closing time no later than 22.00 is appropriate. No drinks allowed outside after this time;
  - All off sales to be sold in sealed containers for consumption away from the premises;
  - The supervision of patrons using any external area so as to prevent nuisance and disturbance;
  - Setting a maximum occupancy figure for the premises to address the likely impact of public nuisance from patrons arriving and leaving the premises, particularly in CIAs and/or where the application seeks to continue beyond recommended closing times;
  - Setting a maximum capacity figure for the outside area to control the number of patrons at any one time and the potential noise from the use of the area;
  - Whether it is appropriate to relay music into any external area (Licensees must take care not to cause nuisance at any time of the day or night)
  - The times during which any live music or amplified sound may be played in, or relayed by external speakers into, any external area or marquee. (Note: Any music played or relayed into the external area should cease earlier than the time set on the use of the external area).
  - The numbers of persons using any licensed external area at any one time;

- The numbers of 'smokers' allowed outside of the premises at any one time;
- The taking of drinks outside of the premises when patrons step outside to smoke. This encourages customers to return quickly inside. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises;
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises;
- The times within which barbecues or other cooking facilities may be provided within any external area;
- The terminal hour for last admissions and readmissions to the premises;
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving;
- Arrangements made with local cab companies when calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street;
- The display of notices at exit points asking patrons to ' please leave quietly' and be mindful of local neighbours;
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time;
- The clearance of any litter created by the operation of the premises;
- External furniture to be removed or rendered unusable outside of opening times;
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. (Note: It is recommended this is prohibited between 22.00hrs and 08:00hrs);
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance;
- Ensuring any/all external plant (i.e. air conditioning units, kitchen extraction systems etc.) are maintained and serviced so as not to create any additional unnecessary noises;
- The time and number of people allowed to use shisha or similar pipes in any area.
- London Borough of Southwark has declared a Climate Emergency and would therefore expect that businesses refrain from using single use plastics in accordance with [The Environmental Protection \(Plastic Straws, Cotton Buds and Stirrers\) \(England\) Regulations 2020](#).

### **Preventing nuisance from within premises**

274. Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. While some simple management steps may be taken to reduce the problem, it should be understood that in some premises physical works may be necessary to prevent nuisance being caused to local residents. The likelihood of this increases where regulated entertainments are to be provided; the later the intended hour of operation; where residents live adjacent to, above or close by the premises; or where there are other noise sensitive premises close by. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.

275. This Authority expects that the following measures will be considered and applied appropriate to the level of risk of nuisance being created.

- The provision of and management control of entrance / exit lobbies, so as to ensure that the integrity of the premises is maintained and internal sound contained;
- The provision of acoustic double door lobbies of an adequate residence time;

- The provision of acoustic seals and self closers on doors;
- The installation and / or maintenance of double glazing / sound resistant glass;
- The provision of sound insulation to party walls, floor and ceiling;
- The provision of alarms to fire doors or other private external doors;
- Keeping doors and windows closed where performances of regulated entertainment take place;
- The installation and use of a sound-limiting device for all amplified sound to enable maximum volume and bass to be set at levels appropriate for the premises / event;
- The connection of fire doors and / or private external doors to the sound limiting device (so that volume is reduced if the doors are opened);
- The provision of additional air conditioning / air cooling to enable doors and windows to remain closed during any entertainment;
- The provision of acoustic baffling to any ventilation extract and intake system;
- Management and recording of periodic perimeter checks;
- Management should ensure that there are sufficient toilet facilities on the premises.

276. It is important to understand that, even though recent government deregulation initiatives have relaxed the requirements around the licensing of small scale entertainments taking place during day time hours, all operators remain responsible for preventing public nuisance arising from their premises operation. Failure to prevent public nuisance may give rise to deregulation provisions being removed and endanger the continuation of a premises licence.

#### **Outdoor events**

277. Each year Southwark hosts a large number of outdoor community events. These events add to the vibrancy of the Borough and are enjoyed by both residents and visitors alike. It is important that such events are organised and managed so as to ensure that minimum disturbance is caused to people living and working nearby. To help achieve this, Applicants are asked to submit an 'Event Management Plan' to the Council's Environmental Protection Team with their application and to consult with Southwark's Events Team early in the process of preparing for any event.

278. The Environmental Protection Team, as a Responsible Authority, will assess all licence applications for their impact with regard to public nuisance. Nuisance from outdoor events can be created by many activities, for example:

- Set up rigging / de-rigging;
- Vehicle movements on and around site;
- Patrons congregating and dispersing;
- Parking arrangements;
- Music and entertainment;
- Fireworks and special effects;
- Smoke;
- Odour from concessions or open food preparation;
- Lighting;
- Operation of plant and machinery (including generators etc.);
- Litter.

279. It is recommended that event organisers include a 'nuisance management section' within the Event Management Plan, assessing all nuisance-causing activities and

setting out the measures proposed to mitigate any nuisances that are likely to be caused.

280. The nuisance management section should include the following information

- Location and site plan;
- Date /hours of operation. It is suggested a finishing time of 22:00hrs is appropriate; however an earlier finish time may be requested subject to local circumstances;
- Information on the type of event, with programme and timetable;
- Orientation of any stage(s), marquees or potential sources of noise;
- Plans for access to and from site and site routes within the event perimeter
- Location of operational plant and vehicles;
- Background noise survey and predictive noise assessment;
- Details of event and stage management structure including names and contact details for persons responsible for liaison with Council and other Enforcement Officers at the event; for management of sound systems; recording of noise levels; dealing with complaints and keeping records of and remedial actions; and attending pre-event and post-event audit meetings with the Authority;
- Details of noise control measures:
  - Sound limiting technology to be used
  - Maximum noise / bass levels
  - Selection of equipment etc.
- Location of light sources and light impact assessment;
- Litter control, waste management and recycling provisions;
- A detailed Dispersal Policy;
- A copy of the pre-event information leaflet to be dropped to occupiers of nearby noise sensitive premises.

### **Medium and large-scale events**

281. Medium events are events with audience capacity numbering between 500 and 2000 at the busiest period. Large events are events with an audience capacity of between 2001 and above at its busiest period. This section does not apply where licensable activities are proposed to take place solely within permanent premises that are used solely or regularly for such licensable purposes.

282. These events may be private, commercial, community, charity and non-profit events. They can take place indoors and outdoors, but would usually take place on Southwark-owned land, which may include streets and parks. Separate permissions will be required for the use of the land, see: <https://www.southwark.gov.uk/events-culture-and-heritage/events/planning-an-event/hiring-a-park-or-public-open-space>.

283. Organisers of such events are advised to contact the Licensing Team in writing as soon as possible in the planning stages to ascertain the manner in which licensable activities should be authorised. These events can often involve considerable and complex planning; and also require considerable expertise in organising and managing them safely and without disproportionately affecting the community in an adverse manner. This can often require substantial involvement of numerous stakeholders and sometimes statutory bodies to achieve successfully.

284. It is also highly recommended that a large-scale event intended to be a regular or annual event, be applied as a time-limited licence in the first year. Further, conditions under a premises licence should be agreed outside of any additional



agreements made with Safety Advisory Groups.

**Open Spaces**

285. Recommended operational hours for events are 08:00hrs to 22:00hrs. Otherwise showing that a nuisance would not be caused later at night. This would include Temporary Events Notices.

**Other consents**

286. Licensees should be aware that a range of other consents may be necessary to provide smoking shelters or space heaters, awnings, tables and chairs, metal or rope barriers or 'A' boards on the highway. Please discuss your proposals with the Licensing Team in the first instance (see appendix A for contact details).

**SECTION ELEVEN – THE FOURTH LICENSING OBJECTIVE – THE PROTECTION OF CHILDREN FROM HARM**
**Introduction to the protection of children from harm**

287. The licensing objective of the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

288. This Authority expects Applicants for premises licences and club premises certificates to have prepared their operating schedule on the basis of a risk-assessment of the potential sources of harm to children. It is expected that the operating schedule will demonstrate an understanding of the potential risks to children and set out the steps to be taken to protect children from harm when on the premises.

289. Relevant considerations might include

- Preventing access to alcohol and other age restricted products;
- Removing encouragement for children to consume alcohol;
- Preventing exposure to gaming;
- Preventing exposure to adult entertainments or facilities.

290. Applicants are advised to seek advice from the Southwark Children's' Social Care Services when preparing their operating plans and schedules. Southwark Trading Standards are also available to give advice around age verification schemes and preventing under-age sales. See appendix A for contact details.

291. While it is recognised that there is no requirement in the 2003 act to do so, Applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment relating to the protection of children from harm to the SSCB and the Trading Standards Team when submitting the application.

292. This section of the strategy is intended to provide a guide to prospective licence Applicants as to the types of controls that may be appropriate for the promotion of the protection of children from harm licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

293. Applicants should note that where its discretion is engaged following the consideration of relevant representations, the Licensing Authority will consider attaching appropriate conditions to protect children from harm.

**The purchase and consumption of alcohol by children and young persons**

294. This Authority believes that it is completely unacceptable to sell alcohol and associated age-restricted products to children.

295. The NHS Digital conducts regular surveys designed to monitor smoking, drinking and drug use among secondary school pupils aged 11 to 15. The most recent

survey, conducted during the autumn school term 2016 obtained information from 12,051 pupils in 177 schools throughout England. The report on 'Smoking, Drinking and Drug Use Among Young People in England in 2016' states that:

- In 2016, around half of pupils (44%) had drunk alcohol at least once. Boys and girls were equally likely to have done so;
- The proportion of pupils who have had an alcoholic drink increased with age from 15% of 11 year olds to 73% of 15 years olds;
- One in ten pupils had drunk alcohol in the last week. data prior to 2016 is not comparable due to a change in the survey question, however, older versions of the survey showed a decline in the proportion of pupils who had drunk in the last week between 2003 and 2014;
- Older pupils were more likely to have drunk alcohol in the last week: the proportion increased from 1% of 11 year olds to 24% of 15 year olds;
- Pupils who had drunk in the last week had drunk an average (mean) of 9.6 units. Mean consumption was lowest among 11 to 13 years olds (6.9 units) and highest among 14 year olds (11.1);
- Most pupils who had drunk alcohol in the last week had consumed more than one type of drink. Boys were more likely than girls (87% vs 70%) to have drunk beer, lager and cider. Girls were more likely than boys to have drunk spirits (65% vs 53%), alcopops (40% vs 31%) and wine, martini or sherry (49% vs 25%);
- 9% of pupils said that they had been drunk in the last four weeks, including 7% of pupils who had been drunk once or twice, and 2% more often than that. This proportion increased with age, with 23% of 15 year olds reporting that they had been drunk at least once in the last four weeks;
- 10% of pupils reported buying alcohol from an off licence, and 8% said they bought it from a store or a supermarket.

In 2016, 1071 year 8 and 10 pupils in Southwark took part in the Health and Wellbeing Related Behaviour Survey. The survey found that:

- 8% of pupils had at least one alcoholic drink in the week before the survey;
- 4% of pupils responded that they got drunk on at least one day in the seven days before the survey, while 1% said they did so on more than one day.

296. While these figures are generally indicative of declining levels of consumption among secondary school children, Alcohol Concern report

- In a sample of over 2000 15-16-year-olds from the UK, 11% had had sex under the influence of alcohol and regretted it;
- Almost one in ten boys and around one in eight girls aged 15 to 16 have unsafe sex after drinking alcohol;
- Every year in the UK, more than 10,000 fines for being drunk and disorderly are issued to young people aged 16 to 19;
- Almost half of young people excluded from school in the UK are regular drinkers.

#### **Access to licensed premises**

297. The act makes it an offence to permit children under the age of 16, who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice. In addition, it is

an offence to permit children under 16 who are not accompanied by an adult, between midnight and 05:00hrs at other premises supplying alcohol for consumption on the premises, under any such authority.

298. The Council recognises, however, that licences may be sought for a great variety of premises, including theatres, cinemas, restaurants, concert halls, take-away and fast food outlets as well as public houses and nightclubs. While the Council would encourage Applicants to make provision for the access of children where appropriate, conditions restricting the access of children will be strongly considered in circumstances where:

- Adult entertainment is provided;
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking;
- It is known that unaccompanied children have been allowed access;
- There is a known association with drug taking or drug dealing;
- The premises are used exclusively or primarily for the sale of alcohol for consumption upon the premises.

299. Applicants must be clear in their operating schedules about the activities intended to be provided and the times at which these shall take place, in order to help determine when it is not appropriate for children to enter the premises.

300. Conditions should reflect the licensable activities taking place on the premises. Consideration should be given to appropriate conditions.

- Restricting the hours when children are present;
- Restricting or excluding children under a specified age when particular specified activities take place;
- Restricting the parts of the premises to which children may have access;
- Imposing age restrictions (below 18);
- Requirements for an accompanying adult;
- Full exclusion of people under the age of 18 years from the premises.

#### **Mandatory conditions applying to all premises licensed for the supply of alcohol**

301. The following mandatory licence condition must be attached to all premises licences and club premises certificates issued by this Authority.

##### Age verification policies

- The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol;
- The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy;
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either (a) a holographic mark; or (b) an ultraviolet feature.

##### **Age verification policies**

302. The Southwark Trading Standards service, as a Responsible Authority, considers every licence application made to the Licensing Authority and makes

recommendations on an appropriate range of management controls. In the years since the 2003 Act came into being, under-age alcohol test purchase campaigns have been conducted annually within Southwark by the Trading Standards Team. The results are given in Figure 1.

Year	Test purchases	Compliance	Compliance rate %
2005 - 2006	146	65	45%
2006 – 2007	102	76	75%
2007 – 2008	78	57	73%
2008 – 2009	123	101	82%
2009 - 2010	41	29	70%
2010 - 2011	47	23	55%
2011 - 2012	23	16	68%
2012 - 2013	23	44	70%
2013 - 2014	54	44	81%
2014 - 2015	51	43	84%
2015 - 2016	22	14	64%
2016 - 2017	36	29	81%
2017 – 2018	39	28	72%
2018 – 2019	43	37	86%

303. There appears to be a close correlation between compliance rates and the number of test purchases undertaken. These statistics date back to when the current Licensing Act 2003 came into force (i.e. 2005). There was a big drop off in test purchasing between 2009 and 2012 and again in 2015 and 2016. These drop off are reflected in sharp dips in compliance rates. This could either reflect the concentration during that period on the worst run premises or it could be that more active test purchasing leads to greater vigilance on the part of the trade. It should be noted that all test purchasing is conducted on the basis of intelligence and past performance.
304. Trading Standards recommended best management practice for controlling under age sales is set out below. While this is intended as guidance only, this Authority recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.
305. An age verification scheme, such as “Challenge 25” is a mandatory licence condition.
306. Best guidance codes of practice have been produced by what was then BRDO (now the Office for Product Safety and Standards, are reflected in the first two bullet points below:
- “The Age Related Products and Services Framework” produced by the OPSS provides detailed guidance on best practice in the field of age restricted products;
  - “The Code of Practice Age Restricted Products and Services” produced by OPSS provides best practice on the undertaking of age restricted product test purchasing exercise;
  - That “Challenge 25” is supported as part of the age verification scheme established. The scheme should require the production of evidence of

age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol;

- That “Challenge 25” notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over;
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised Officers;
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised Officers;
- That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorised Officers;
- That if a CCTV recording system is installed inside the premises; it shall be positioned to capture the sale of alcohol. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised Officers upon request;
- That a personal licence holder shall be on the premises at all times that alcohol is supplied;
- That an EPOS (electronic point of sale) system is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 before the next item can be scanned or the transaction completed;
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18;
- That, if any advertising campaigns or promotions of alcohol are planned, the premises licence holder shall ensure they are carried out in a socially responsible manner and that they do not encourage irresponsible drinking. If authorised Officers raise concerns about any promotion the premises licence holder shall discontinue it.

307. Trading Standards also provides practical support to Licensees. This includes:

- Operating the Proof of Age London PASS approved card scheme;
- Providing of a range of downloadable business advice information leaflets;
- Providing free retailer support materials such as refusals registers, signage, posters and point of sale materials;
- PASS means Proof of Age Standards Scheme which is UK’s national proof of age card accreditation scheme, endorsed by the Home Office, the National Police Chiefs’ Council and the Security Industry Authority (SIA).

#### **The (Southwark) Proof of Age (PAL) London card**

308. In order to assist Licensees avoid under-age sales, the Council’s Trading Standards service introduced a local PASS approved proof of age card in 2007. The card is available to 16-25 year olds via their school or college. In September 2014 the card was rebranded from SPA to PAL (Proof of Age London) and made available across London.

309. Over 10,000 cards have been issued since 2007. We work with schools in

Southwark to try and ensure students obtain the Proof of Age Cards London.

310. Anecdotal evidence is that traditionally many venues only accepted driving licences and passports because of concerns that other forms of ID were too easily copied or forged. This is not the case. In fact the most commonly copied document is the driving licence. Cards bearing the PASS hologram cannot be easily copied and from 2014 all PASS approved cards for over 18s have a standardised front face design to improve confidence.
311. PASS means Proof of Age Standards Scheme which is UK's national proof of age accreditation scheme, endorsed by the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute.
312. For further information on introducing an age verification policy, to access the training programme or to obtain the materials itemised above, please contact the Trading Standards Service. The service website can be accessed at [www.southwark.gov.uk/tradingstandards](http://www.southwark.gov.uk/tradingstandards)
313. It is recognised that upon occasions some under-age sales are made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with Licensing or Trading Standards Officers. Furthermore, the Council's Health and Safety Team offers conflict resolution training aimed at helping deal with the threat of violence and aggression in the workplace. For contact details please see appendix A.

#### **Children and responsible drinks promotions**

314. The Portman Group operates, on behalf of the alcohol industry, the 'Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks' to ensure that alcohol is marketed responsibly and only at adults.
315. The Code applies to all alcohol marketing (including naming, packaging, and promotion of products, event sponsorship and point of sale material) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.
316. The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>

#### **Mandatory licence condition applying to premises licensed for film exhibitions**

317. Where premises licences incorporate film exhibitions as a licensable activity the following mandatory condition will be imposed:

##### Requirement for age classification

- The admission of children to films is to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently the British Board of Film Classification (BBFC) or by the Licensing Authority itself.

318. Applicants are expected to include within their operating schedule arrangements for restricting children from viewing age-restricted films.

#### **Film Classification**

319. As indicated, films intended only for local exhibition may be classified by the local

Licensing Authority as an alternative to the BBFC. This Authority has a Film Viewing Board for that purpose.

320. In order for a local age classification to be considered, however, it is important that good notice (at least 28 days) is given of the proposed exhibition. It is necessary for the Board to view the version of the film that is intended to be exhibited and so a good quality copy on acceptable media is required in advance of the exhibition. The following information to be provided by the proposed exhibitor:

- a synopsis of the film program(s) must be sent to the Licensing Unit 28 days in advance of the proposed screening date, where possible, giving sufficiently detailed and accurate information on any potentially controversial issues such as: discrimination, drugs, horror, imitable behaviour, language, nudity, sex, theme, violence and in particular anything considered over 18 (e.g. R18);
- information on active and thorough child protection policies including any permission processes required to be obtained for children to appear in any film exhibition;
- information on how staff are informed on policies and matters that may be significant at the time of the exhibition;
- information on feedback and evaluation procedures;
- information as to the steps that will be taken to display notices inside and outside the premises so that persons entering can readily read them and be aware of the classification attached to the film;
- information on the use of sufficient ushers/stewards (minimum 18 years old) to be in attendance at the entrance to the viewing room at all times, to ensure that only children who may view the film or exhibition are permitted access.

321. A fee to offset the costs in classifying a film, based on the film duration, will be charged.

322. The Licensing Authority will not reclassify films already classified by the BBFC except where the parts of the film have been edited to remove content that may result in a lower classification.

323. Please contact the Licensing Team to discuss your exhibitions (see appendix A for contact details).

324. Where a premises licence does not authorise the showing of a film, a minor variation can be applied for to add this to the licence for permanent authorisation, or alternatively a Temporary Events Notice can be sent to the Licensing Authority if it is a one-off event.

#### **Regulated entertainment provided for children**

325. Where entertainments or facilities generally are provided specifically for children, Applicants are asked to demonstrate within their application

- That the company / organisation has a policy or statement on keeping children safe from harm;
- How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm;
- That recruitment processes for staff who may have to deal direct with



children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed Applicant has not been known to have harmed children;

- That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise;
- There are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility;
- There are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle-blowing procedures for staff who may have concerns about the welfare of children on the premises;
- That all duty managers or staffs in charge of the premises are aware of how to refer any concerns about the welfare of children to the local Police, Education Authority or Social Services as necessary.

326. Where a theatrical entertainment is specially presented for children, the Council advises the presence of sufficient adult staff to control access and egress of children and to protect them from harm as follows –

- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof;
- No child (unless accompanied by an adult) to be permitted in the front row of any balcony;
- No standing to be permitted in any part of the auditorium during the performance.

### **Child sexual exploitation (CSE)**

327. Sexual exploitation is when a child under the age of 18 is manipulated into having sex or engaging in sexual activities, usually in return for something. It is a form of abuse and a crime.

328. This Authority and its partners are committed to tackling and preventing the sexual exploitation of children and young people.

### **London Safeguarding Children's Board**

329. The London Safeguarding Children's Board provide advice and guidance for licensed premises operators and their staff in their policy 'Safeguarding Children Policy for Licensed Premises' which can be viewed using the link provided [http://www.londoncp.co.uk/chapters/sg\\_licensed.html](http://www.londoncp.co.uk/chapters/sg_licensed.html)  
All operators are advised to display a copy of the procedure and accompanying poster available upon the premises.

330. Operators writing the policies and procedures for their premises staff may also include appropriate measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

### **Child sexual exploitation and communities**

331. It's better to prevent children from being harmed than having to help children recover

from the trauma of being sexually exploited. The Council and Southwark Police are carrying out widespread community education to ensure everyone knows what to do to prevent harm to children, and we're sure that you too have a big role to play. If you're reading this website then you're most likely, like us, very concerned about child protection. Because we have so many concerned and active citizens in Southwark, we've recently started up a Keeping Children Safe Volunteer's Team. So far the Team has successfully run a stall at a school's open day to listen to the ideas of young people. We want volunteers to do more and we'll support them to do so. If you're interested in volunteering, contact Kevin Dykes at [kevin.dykes@southwark.gov.uk](mailto:kevin.dykes@southwark.gov.uk) or telephone: 020 7525 5601.

### **Southwark Safeguarding Children's Board**

332. Southwark Council, local Police, health services, local schools, community and faith groups and the voluntary sector all come together to keep children safe at the Southwark Safeguarding Children's Board.  
<https://safeguarding.southwark.gov.uk/>

333. The Safeguarding Board wants to reach parents, children and young people, and all local organisations with information about stopping child sexual exploitation. There are 9 different "types" of child sexual exploitation. Sexual exploitation often happens alongside other forms of child exploitation, such as forcing children to break the law by carrying drugs or weapons, and using that to blackmail a child. It's easy to understand the danger to children when their "best friend" is a criminal. There's a role for everyone to play to put a stop to this and we'll support you in playing your role.

### **Entertainment involving striptease and nudity**

334. Applicants proposing activity that includes adult entertainment are also referred to the policy set out at pages 46-48. The victims of "people trafficking" often include young females under 18, and this is a further reason why the policy makes reference to it.

## SECTION TWELVE - ENFORCEMENT

335. It is essential that licensed premises operate in accordance with the Act and comply in full with licence terms, conditions and restrictions at all times.
336. Part of the Licensing Authority's role is to monitor premises operation and take appropriate enforcement action to promote the licensing objectives; support good management practice; and protect the local community. This Authority recognizes the importance of the enforcement role and will work in partnership with all relevant agencies to promote the licensing objectives, taking effective enforcement actions where appropriate. This Authority enjoys excellent working relationships with each of the Responsible Authorities. Offences against the act are set out in the Act.
337. All enforcement actions taken by the range of enforcement agents located within the Council's regulatory services (including the licensing service) are governed by the Council's enforcement policy. The enforcement policy has been drafted with reference to the Principles of Good Regulation as stated in the Legislative and Regulatory Reform Act 2006 and the Regulators Code as published by the Better Regulation Delivery Office. It is our intention that all enforcement actions will be fair, consistent, transparent and proportionate. A copy of our enforcement policy may be obtained from the licensing service.
338. The regulatory services enforcement policy is currently under a review, the amended enforcement policy will take effect on publication. The Enforcement Policy dated 13 February 2007 remains until the new policy is agreed.
339. All proactive premises inspections will be undertaken on a risk-assessed basis with resources targeted toward agreed problem and high-risk premises, which require greater attention. A lighter touch will be applied in respect of low risk premises, which are well run. Detail of the basis to our risk-assessment approach can be obtained from the licensing service.
340. Other enforcement activities will be intelligence led. Information sources include complaint and referral from the local community and reports from Officers and other partner agencies. All complaints and referrals will be investigated appropriately.
341. As part of the "better regulation initiative" and in order to promote effective use of enforcement resources and reduce the burden on business, the various enforcement agencies involved may from time to time look at references normally dealt with by other relevant agencies during the course of premises visits. Where issues are identified under other agencies remits (for instance where a Licensing Officer notes a fire safety matter) this will be brought to the attention of the person in charge and the matter may be referred on to the agency involved. Where possible appropriate advice and guidance will be given at the time.
342. This partnership approach is supported and facilitated by
- Partnership Night Time Economy Team;
  - Regular liaison meetings between the licensing service and the Police Licensing Teams;
  - Regular meetings of the primary Responsible Authorities;
  - The partnership tasking group; and
  - A commitment to multi-agency working.
343. The partnership Night Time Economy Team intends to provide a high-visibility reassuring presence in the night-time economy and to establish good working

relationships with venue front of house and management staff. Random visits will be made to premises in furtherance of these aims.

344. Investigations may be undertaken through a range of means, including overt and covert operations. This may include covert observations on premises to ensure opening hours restrictions are being complied with. In addition, weights and measures Officers from the Council's Trading Standards service or Officers from the Police Authority will carry out covert test purchases of age restricted products including alcohol. This means underage, or young looking, volunteers are deployed to attempt to buy age restricted products or services. These tests are conducted to check compliance with the law and age verification policies (e.g. Challenge 25 scheme).
345. Such test purchasing may be covertly observed and recorded. The results of such test purchasing will be communicated to the business operator, either at the time, or in writing after the event. Such test purchasing will be based on local intelligence and any illegal sales will be followed up in accordance with the Council's enforcement policy.
346. Additionally, this Authority recognises the important role played in preventing crime and disorder by the Security Industry Authority by ensuring that door supervisors are properly licensed and, in partnership with the Police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This Authority will look to work together with the SIA and, as part of this co-operation, has authorised Officers to act under the powers of the Private Security Industry Act 2001.
347. It remains the over-riding intention of this Authority, the Police and the other relevant enforcement agents to work together at all times with responsible licence holders and operators to help run successful venues and facilities that play a positive role within the local community. We will look to provide support, advice and education and give early warning of any concerns identified at any premises. In return we expect licence holders to act responsibly and work together with us. The Authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.
348. In demonstration of this, this Authority will provide induction meetings with new licensed operators, intended to make clear the responsibilities of and expectations made of operators and the support that can be expected in return. This is followed by an early initial during operation inspection intended to identify good licensed premises management practice and where early improvements can be made.
349. This Authority also supports pub and club watch and is willing to support business led initiatives intended to help promote the licensing objectives. Together we will ensure that Southwark remains a great place to live, work and visit.

## APPENDIX A – CONTACT DETAILS

### Southwark Licensing Team

Regulatory Services  
 3rd Floor Hub 1  
 PO Box 64529  
 London SE1P 5LX  
**E-mail:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

By phone: Customer service centre on 020 7525 2000  
 By Fax - 020 7525 5705  
 By e-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
 By visiting the web site: <https://www.southwark.gov.uk/business/licences>

### Responsible Authorities

#### Southwark Licensing Team

Regulatory Services  
 3rd Floor Hub 1  
 PO Box 64529  
 London SE1P 5LX  
**E-mail:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

#### Health and Safety

Floor 3, Hub 1  
 Southwark Council  
 PO Box 64529  
 London  
 SE1P 5LX  
**E-mail:** [ohs.regen@southwark.gov.uk](mailto:ohs.regen@southwark.gov.uk)

**Please note** – this address is for premises that come under the Council for health and safety enforcement. Other premises such as Council-owned premises will come under the HSE and boats under the Maritime and Coastguard Agency.

#### Southwark Planning

The Council's Building and Development Control Services  
 Council Offices  
 5th Floor Hub 2  
 Southwark Council  
 PO Box 64529  
 London  
 SE1P 5LX  
**E-mail:** [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)

#### Trading Standards

Southwark Council  
 Floor 3, Hub 1  
 PO Box 64529  
 London  
 SE1P 5LX  
**E-mail:** [TradingStandards.Regen@southwark.gov.uk](mailto:TradingStandards.Regen@southwark.gov.uk)

**Environmental Protection Team**

Southwark Council  
 Floor 3, Hub 1  
 PO Box 64529  
 London  
 SE1P 5LX

**E-mail:** [Environmental.Protection@southwark.gov.uk](mailto:Environmental.Protection@southwark.gov.uk)

**The Chief Officer of Police**

PC Graham White and PC Ian Clements  
 C/O Southwark Police Licensing Unit  
 323 Borough High Street  
 London, SE1 2ER

**E-mail:** [SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)

Tel: 0207 232 6756

**Home Office Alcohol Licensing Team**

Lunar House  
 40 Wellesley Road  
 Croydon CR9 2BY

**E-mail:** [Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)

**The London Fire Commissioner**

169 Union Street  
 London, SE1 0LL

**E-mail:** [FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)

Telephone number: 020 8555 1200 Extension: 89170

**Public Health Policy Officer**

Public Health Team  
 1st Floor Hub 2 PO Box 64529  
 London SE1P 5LX

**E-mail:** [publichealth.licensing@southwark.gov.uk](mailto:publichealth.licensing@southwark.gov.uk)

020 7525 0025

**The Local Safeguarding Children Board**

Southwark Social Services  
 PO Box 64529  
 London SE1P 5LX

**E-mail:** [gau.safeguarding@southwark.gov.uk](mailto:gau.safeguarding@southwark.gov.uk)

Tel: 020 7525 4646

**Note:** If you are applying for a premises or a club premises certificate and part of the premises concerned falls within another Licensing Authority's area then that Authority should be copied in on the application also.

**Other Agencies**

Southwark Disablement Association  
 Cambridge House  
 1 Addington Square  
 Camberwell  
 London, SE5 7JZ

**Email:** [sda@sdail.org](mailto:sda@sdail.org)

Tel: 020 7358 7740

Environmental Enforcement Team (providing the Council's 24 hour rapid response service)

by the Noise and Nuisance Team)  
 C/O Southwark Regulatory Services  
 PO BOX 64529  
 London  
 SE1P 5LX  
 Tel: 020 7525 5777  
 Email: [environment@southwark.gov.uk](mailto:environment@southwark.gov.uk)

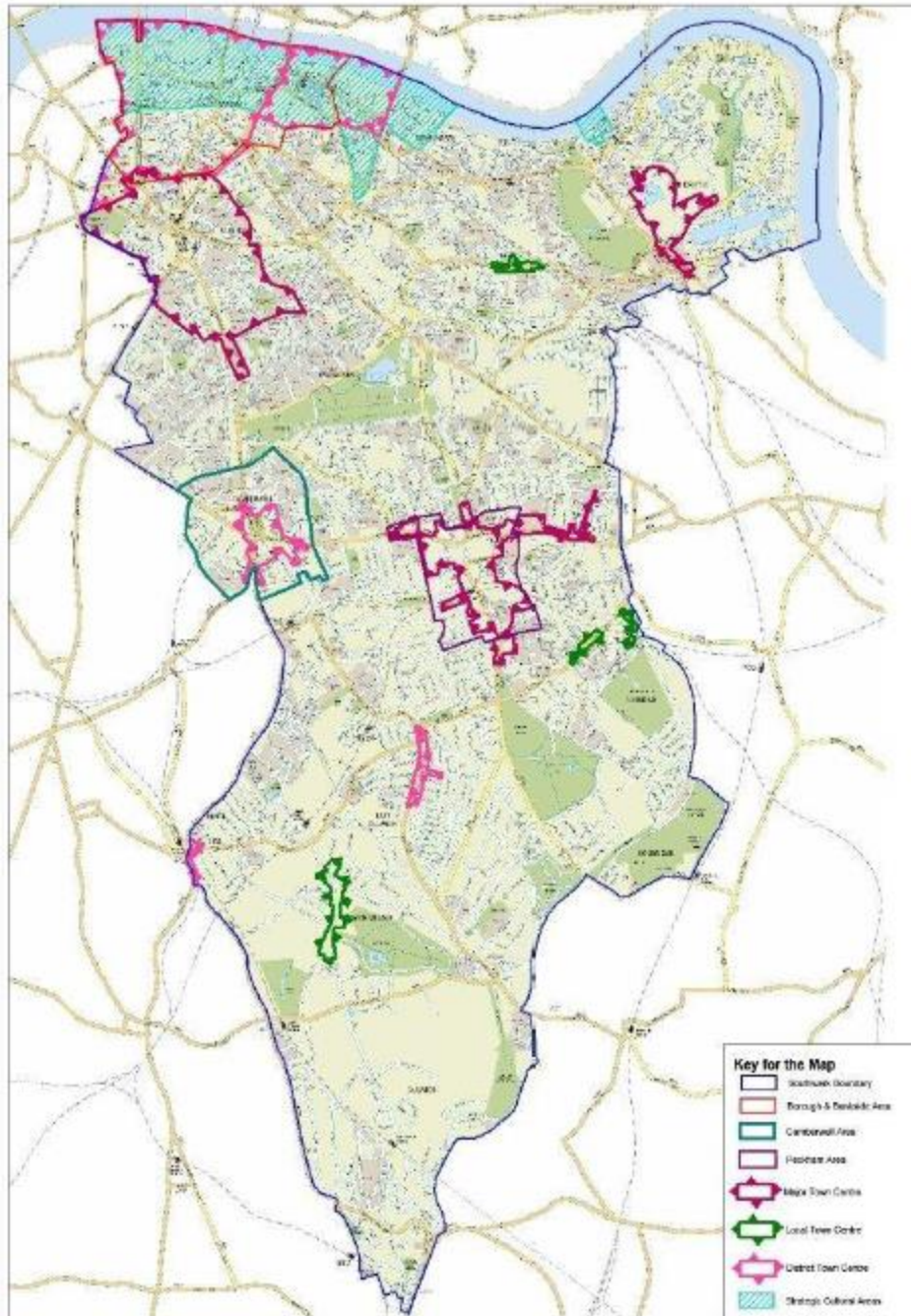
Markets and Street Trading (e.g. for selling street food on the highway and in open spaces)  
 SAST House  
 47-53 Dawes Street  
 London  
 SE17 1EL  
 Tel: 020 7525 6000

Tables and Chairs/Street Furniture Licensing (or other temporary articles on the highway)  
 Southwark Council, Network Management, Regulatory Services  
 Highways Licensing Team, Floor 3 Hub 1  
 PO BOX 64529,  
 London, SE1 5LX  
 Website <https://www.southwark.gov.uk/business/licences/roads-and-highway-licences/street-furniture-licence>  
 Email [Highwayslicensing@southwark.gov.uk](mailto:Highwayslicensing@southwark.gov.uk)

Culture and Events Team  
 Environment and Leisure  
 3rd floor – Hub C  
 PO Box 64529  
 London  
 SE1P 5LX  
 Tel: 020 75253422  
 Email: [events@southwark.gov.uk](mailto:events@southwark.gov.uk)

Southwark Children's Social Care Services  
 C/O Interim Practice Group Lead QAU and Local Authority Designated Officer (LADO) Southwark Council  
 Sumner House Sumner Road Peckham SE15 5QS  
 Telephone: 0207 525 0689  
 Multi Agency Hub  
 Tel: (Day) 020 7525 1521. Out of Hours 020 7525 5000

## APPENDIX B – MAP OF AREA CLASSIFICATIONS AND CIAS





## APPENDIX C - OTHER RELATED LEGISLATION AND STRATEGIES

This policy recognises and intends to complement the broad range of other relevant legislation and Council and government policy, strategy, responsibility, and guidance.

### **Other relevant legislative requirements**

The Council has other general statutory requirements relating to crime and disorder, anti-social behaviour, health, nuisance, human rights, disability discrimination and race relations. These are briefly outlined below.

### **The Anti-Social Behaviour Crime and Policing Act 2014**

The Anti-Social Behaviour, Crime and Policing Act 2014 defines 'anti-social behaviour' as "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person"; "conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises"; or "conduct capable of causing housing-related nuisance or annoyance to a person".

The Act contains a range of powers intended to support Local Authority and partner bodies deal with anti-social behaviour. These include powers of premises closure in cases of nuisance or disorder which may support primary legislation.

### **The Clean Neighbourhoods and Environment Act 2005**

This provides Local Authorities with additional powers to tackle poor environmental quality and anti-social behaviour. In particular, the Act includes sections on nuisance and abandoned vehicles, litter, graffiti, waste, noise and dogs. The Act gives Local Authorities powers to issue fixed penalty notices to any licensed premises emitting noise that exceeds the permitted level between the hours of 23:00hrs and 07:00hrs.

### **The Crime and Disorder Act 1998**

Section 17 of the Crime and Disorder Act 1998 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of the local decision-making. It places a duty on key Authorities, including Local Authorities and the Police and Fire and Rescue Authorities; to do all they reasonably can to prevent crime and disorder in their area.

All Local Authorities must fulfil their obligation under section 17 of the Act when carrying out their functions as Licensing Authority under the 2003 Act. The Council as Licensing Authority must consider how the exercise of its functions impacts upon and contributes toward the prevention of crime and disorder within its area.

This statement of licensing principles is intended to support the work of the local Crime and Disorder Reduction Partnership, the Safer Southwark Partnership through measures under both the **Crime and Disorder Reduction Strategy**; the **Violent Crime Reduction Strategy** and the **Alcohol Strategy**.

### **The Environmental Protection Act 1990**

The Act provides the fundamental structure and authority for waste management and control of emissions into the environment.

The management of statutory nuisance is set out in Part III of the Act. The Act places a duty on a Local Authority to investigate complaints of statutory nuisance from people living within its area.

### **Equality Act 2010**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations.

The Act also imposes a public sector equality duty. This means that public bodies, including this Licensing Authority, must consider all individuals when carrying out their day to day work – in shaping policy; in delivering services; and in relation to their own employees.

It also requires that public bodies

- Have due regard to the need to eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This Authority recognises Southwark's diversity as one of its strengths and is committed to creating a more inclusive community. Our aim is to ensure that nothing within this Statement of Licensing Policy discriminates against any group within the community and will pursue any opportunity to promote equality of opportunity and good community relations. To this end, the Authority will undertake equalities impact assessments of the policy at regular intervals to identify the effects the policy may have had for different groups and take appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement.

As stated in Paragraph 159, Members may also look to grant a premises licence outside of the recommendations of the Policy in order to promote the use of licensed premises by groups that are not well serviced with licensed premises throughout the Borough

As will be noted from the information provided in section 12 of this document, contact can be made with our licensing and related services in a number of ways. Our customer contact centre is available 24/7. Our services can receive telephone; email and postal communications. Advice and information is provided on our web site or direct from our offices. Officers will make personal calls by appointment. If you require our services and have difficulties using our services please talk to us and explain exactly what your needs are to help us understand what adjustments may be necessary to the way we provide our services.

We also recognise that other service providers providing licensable activities including shops, hotels, pubs, theatres and more hold similar responsibilities. Service providers have an obligation to make reasonable adjustments to premises or to the way they provide a service. Sometimes it just takes minor changes to make a service accessible.

While access for people with disabilities is not one of the four licensing objectives, this Council expects that responsible licensees will comply with the requirements of the Equality Act 2010. The Southwark Disablement Association can provide advice to any Licensee on reasonable adjustments – contact details are provided in section 12 of this policy.

Alternatively, see government's planning and access for disabled people good practice guide

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7776/156681.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7776/156681.pdf)

### **Public Sector Equality Duty**

(1) A Public Authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a Public Authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

### **The Gambling Act 2005**

An Act designed to control all forms of gaming and betting. Under this legislation local Licensing Authorities are made responsible for licensing gambling venues and are provided with a range of enforcement powers.

### **The Health Act 2006**

The Health Act 2006 introduced the ban on smoking in all enclosed workplaces and public spaces, including smoking in pubs, restaurants and members' clubs where bar or other staff are employed. The law is enforced by Local Authorities.

### **The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999**

These set the standards that must be met to ensure the health and safety of all employees and others who may be affected by any work activity.

The Health and Safety at Work Regulations 1999 state that

- “(1) every employer shall make a suitable and sufficient assessment of
- (a) The risks to the health and safety of his employees to which they are exposed whilst they are at work; and
  - (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.
- (2) Every self-employed person shall make a suitable and sufficient assessment of -
- (a) The risks to his own health and safety to which he is exposed whilst he is at work; and
  - (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,”

The Health and Safety Executive helpfully provides a range of example risk-assessments which may be viewed at <http://www.hse.gov.uk/risk/casestudies/>. The examples provided include for night-clubs, pubs, village halls, off-licences and convenience stores.

### **The Human Rights Act 1998**

The Human Rights Act 1998 incorporates the European Convention on Human Rights, making it unlawful for a Local Authority to act in any way that is incompatible with a convention right. The Council will have particular regard to the relevant provisions of the European Convention of Human Rights –

- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his possessions, including for example the possession of a licence
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for his home and private life

### **Regulatory Reform (Fire Safety) Order 2005**

The Regulatory Fire Safety (Reform) Order 2005 covers general fire safety in England and Wales. In the majority of premises, local Fire and Rescue Authorities enforce this fire safety legislation. Under the Regulatory Reform (Fire Safety) Order 2005 the “responsible person” as defined by the order, must:

- Take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of his or her employees;
- Take such general fire precautions as may be reasonably required in the circumstances of the case to ensure that the premises are safe for the use by other persons;
- Make a suitable and sufficient assessment of fire risks to which relevant

persons may be exposed for the purposes of identifying the general fire precautions he or she needs to take;

- The responsible person MUST record the information gathered by the risk assessment for all premises covered by the Licensing Act 2003, in particular, the significant findings; the measures taken, or to be taken, to ensure general fire safety; and any person identified as being especially at risk.

This Authority recognises that it may not impose any condition relating to any requirement or prohibition that is or could be imposed under the “Fire Safety Order” and thereby that conditions relating purely to fire safety matters may not be placed on premises licences. Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website at [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire).

#### **Children Act 2004**

Section 11 of the Children Act places a duty on a range of organisations, agencies and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children. This specifically includes local Licensing Authorities.

#### **Other strategies and policies**

This Authority will look to secure the proper integration of this policy with other Council and government policies, strategies, responsibilities, and guidance documents issued. In this context this policy is informed by the following strategies and policies.

#### **Alcohol Harm Reduction Strategy**

Southwark’s local Alcohol Harm Reduction Strategy, prepared in response to the National Alcohol Harm Reduction Strategy (“Safe. Sensible. Social. The next steps in the National Alcohol Strategy” (June 2007)) explores the relationships between alcohol and crime alongside health impacts.

In preparing this statement the Council is particularly aware that the national strategy has identified a number of priorities that should be considered when taking decisions in connection with licensing matters.

- To reduce the problems arising from under-age drinking;
- To reduce public drunkenness; and
- To prevent alcohol related violence.

#### **Southwark’s Alcohol Reduction Plan 2017 -2020**

Southwark’s Public Health Directorate and Drug and Alcohol Action Team have developed this action plan alongside partners from across the Council, Southwark NHS Clinical Commissioning Group, providers and the voluntary and community sector. One of the aims of the plan is to reduce the burden of alcohol-related harm on individuals and communities in order to promote a safer borough to live, work and socialise in. In order to do so, local stakeholders, including the Local Licensing Authorities and the other Responsible Authorities, will work together to protect the streets and communities of Southwark from the negative impacts of alcohol while preserving a vibrant night time economy and use the tools at their disposal to protect families, homes, and workplaces from the harms of alcohol.

#### **Southwark Cultural Strategy 2013-2018**

Southwark Cultural Strategy considers the role that the Council has to play in the cultural life of the Borough.

As part of implementing local cultural strategy, the Council will actively encourage and promote the performing arts (particularly live music, dancing and theatre), creative

programming and the performance of traditional and cultural entertainments.

While this Authority is naturally concerned that local community events do not cause disturbance in the local neighbourhood, it also recognises the wider benefits of cultural events for local communities. As such, this Authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature under licensing controls. Live performance is central to the development of cultural diversity and vibrant and exciting communities, where artistic freedom of expression is a fundamental right and greatly valued. Traditional music and dancing are parts of our cultural heritage. Music and dancing helps to unite communities and particularly in ethnically diverse communities, new and emerging musical and dance forms can assist in the development of a fully integrated society. It should also be noted that the absence of cultural provision in an area can itself lead to the young people being diverted into anti-social activities that damage communities and the young people themselves.

The Council has also pursued a policy of seeking premises licences for its open spaces in its own name. Where such licences are in place, performers and entertainers may not need to obtain a licence or give a TENs themselves in order to perform. Instead they would require permission from the Council as premises licence holder. Details of licences held by community venues may be viewed at <http://licensing.southwarksites.com>

#### **Southwark Enforcement policy**

All enforcement actions taken by the licensing service are governed by the Council's enforcement policy, which has been drafted with reference to the Principles of Good Regulation as stated in the Legislative and Regulatory Reform Act 2006 and the Regulators Code as published by the Better Regulation Delivery Office.

#### **Southwark Violent Crime Reduction Strategy**

This strategy sets out the underlying causes and impacts of violent behaviour and makes recommendations as to how the Council and its partner Authorities can make the best use of our resources at a time when those resources will significantly reduced.

#### **Guidance documents**

This policy is also mindful of the direction provided under the following guidance documents:

- The Home Office Safer Clubbing Guide issued to ensure the health and safety of anyone who attends dance events, with a particular emphasis on those who also take controlled drugs;
- The Better Regulation Delivery Office's Code of Practice on Age Restricted Products which deals with the involvement of children in the enforcement of legislation concerning the sale of age-restricted goods;
- Furthermore, the objectives of the Private Security Industry Authority (SIA) will be taken into account in all issues relating to the provision of door supervision at licensed operations;
- The Public Health England's new guidance for alcohol commissioning 2019-20 identifies a number of population-level actions to reduce alcohol-related harms, including a role for Public Health divisions to actively contributing to the local vision for alcohol licensing.

This policy will also be checked for consistency with all current legislation, strategy, policy and guidance on an annual basis.

## Appendix B

### Policy amendments agreed by Licensing Committee 04 November 2019

- Paragraphs 3, 5, 7 and 12 – Updated with Borough statistics and Council composition;
- Paragraphs 18 to 25 updated with data statistics on alcohol-related violence;
- Paragraph 46 updated at the request of the Southwark Anti-Social Behaviour Unit (SASBU) as the Joint Enforcement Teams (JETs) are no longer in place;
- Paragraph 53 - The provision of scale plans is updated to make plans clearer by being supplied in their original size;
- Paragraphs 59 and 60 - The policy on Temporary Event Notices (TENs) is updated to clarify the notice period and additional information required by the Police;
- Paragraph 81 - Updated regarding the personal details of persons making representations in that their address will be supplied to Applicants;
- Paragraph following 92 – Added to clarify how evidence supplied by a person bringing a review or making representation should be supplied to the Authority;
- Paragraph 100 – Updated to clarify the benefits of having planning permissions in place before a premises licence is applied for;
- Paragraph 120 – Duplication of statutory requirements updated at the request of Trading Standards;
- Paragraphs 121-128 - Section added on Shadow Licences;
- Paragraphs 131 – Amended as resident questionnaires are no longer carried out due to financial restrictions;
- Paragraph 144 – Added in regards to ‘monitoring areas’, which are not yet to become Cumulative Impact Areas (CIAs);
- Paragraphs 154-154 - Added to confirm that the current CIAs have been assessed and remain unchanged;
- Paragraph 159 – ‘*and / or in a designated area*’ added;
- Paragraph 164 – Added to clarify the rebuttable presumption of applications within a CIA;
- Paragraphs 165 to 167 – to be updated, as there are no Early Morning Restriction Orders (EMROs) in the Borough;
- Paragraph 172 – Updated to include ‘*or to disturbance and/or disorder in the area late at night*’;
- Paragraph 173 – Updated to provide clarity;
- Paragraphs 175 – ‘*or early morning*’ added at the request of Public Health;
- Paragraph 183 is to be removed, following the introduction of the Late Night Levy in Southwark;
- Paragraph 186 – Amended to remove ‘*including so-called legal highs or ‘new psychoactive substances*’ as legal highs are now classified as drugs;
- Paragraph 195 – Added to CCTV ‘*and a member of staff on duty that is able to operate the CCTV system*’; and regarding high strength ‘*any beers or ciders above 6.5% are considered high strength*’ at the request of the Police;
- Paragraph 196 – Use of plastic containers updates to include recommendations on single use plastic receptacles. Also added ‘*Off sales to be sold in sealed containers for consumption away from the premises to minimize public nuisance*’;
- Paragraph 197 – Added regarding SIA supervisors ‘*A minimum of two SIA would be expected on most premises*’. Drugs and weapons box ‘*instructions*’ to replace ‘*code of practice*’. Risk assessments updated and CCTV conditions added at the request of the Police;
- Paragraph 198 – Added to clarify the expectations of retention of consumer information captured by CCTV and ID scanners;

- Paragraph 202 – *‘preferably in written form’* added;
- Paragraphs 206 to 208 are updated in light of the cessation of 696 Forms;
- Paragraph 209 to 214 to be replaced to provide clarity on adult entertainment;
- Paragraphs 232 to 234 are added to address road safety outside of licensed premises as requested by Highways;
- Paragraph 235 – updated to address safe capacity limits;
- Paragraph 239 – Added *‘or smaller venues RU SAFE? (2014): a guide to running small venues free download <http://www.abtt.org.uk/shop/guidance/ru-safe/>’*
- Paragraph 247 – Amended to *‘between 22:00hrs and 08:00hrs’* and added *‘preventing odour from food preparation and have adequate kitchen extraction systems in place’* as requested by Environmental Protection;
- Paragraph 248 – *‘EMAQ (2018)’* replaced with *‘(DEFRA)’*. Added *‘Southwark’s Environmental Protection Team’s Technical Guidance for Noise (2017)’*;
- Paragraph 249 – Added *‘Where appropriate, an acoustic report / noise impact assessment can also be submitted to support an application’*;
- Paragraph 256 – Added *‘Management should ensure that there are sufficient toilet facilities on the premises’*;
- Paragraph 254 – *‘In residential areas’* has been deleted. *‘No drinks allowed outside after this time’* has been added. *‘All off sales to be sold in sealed containers for consumption away from the premises’* is added. *‘Ensuring any/all external plant (i.e. air conditioning units, kitchen extraction systems etc.) are maintained and serviced so as not to create any additional unnecessary noises.’* is added. *‘The time and number of people allowed to use shisha or similar pipes in any area’* is also added;
- Paragraph 261 – Added *‘it is suggested a finishing time of 22:00hrs is appropriate, however and earlier finish time may be requested subject to local circumstances’*;
- Paragraph 271 - Updated by Public Health to include the latest statistical data;
- Paragraph 278 – Updated to include 2018-2019 test purchase figures;
- Paragraph 279 – Updated by Trading Standards to highlight trends in statistical data;
- Paragraphs 281 and 282 – Updated by Trading Standards in relation to age-restricted products;
- Paragraph 285 – Updated to include the number of Southwark Proof of Age cards that have been issued;
- Paragraphs 296 to 299 – Updates in relation to film classifications;
- Paragraphs 306 to 308 have been replaced to remove references to Operation Makesafe, to be replaced with information on child exploitation;
- Information on the Equalities Act 2010 has been updated to include information on the Public Sector Equality Duty;
- The Children Act 2004 has been added for information;
- Southwark’s Alcohol Reduction Plan 2017-2020 has been added for information;
- Under ‘Guidance Documents’, the following has been added *‘The Public Health England’s new guidance for alcohol commissioning 2019-20 identifies a number of population-level actions to reduce alcohol-related harms, including a role for Public Health divisions to actively contributing to the local vision for alcohol licensing’*.



## Appendix C

### **Summary of changes to the Southwark Statement of Licensing Policy following the public consultation.**

- Legal Background – Page 2 – GDPR statement added;
- Paragraph 60 is amended to include a recommendation that supporting information be provided to the Police and EPT when applying for TENs.
- Paragraph 62 is amended to avoid doubt that a TEN Applicant has received permission from the premises owner to hold that TEN;
- Paragraphs 64-68 updated on the use of multiple TENs;
- 1-21 London Road added as a London Parade;
- Paragraph 146 now has links to more detailed maps, including CIA areas and other licensed premises across the Borough;
- Paragraph 162 amended to define a ‘small premises’;
- Paragraph 184 added to request a ‘drinking up time’ for on-sales of alcohol;
- Paragraph 186 amended in relation to the Late Night Levy;
- Paragraph 206 amended to discourage the sales of whole or half bottles of spirits to on-sales customers;
- Paragraph 263 has been extended to include a consideration to the ‘Agent of Change’ Principal;
- Paragraph 273 amended, ‘External furniture to be removed or rendered unusable outside of opening times’ added;
- Paragraph 280 amended to require applicants of large-scale events to provide more detailed information with the application;
- Paragraphs 281-284 added to assist Applicants of medium and large-scale events within the Borough;
- Paragraph 285 added to qualify ‘open spaces’ within the Borough, making it clear that operational hours for events and the use of external areas are 08:00hrs to 22:00hrs.
- Paragraph 306 amended by Trading Standards to improve condition wording
- The Policy makes reference to secondary guidance throughout, some of these have been updated with the most recent editions with the assistance of the Responsible Authorities;
- Contact details for Council and external services have been updated;
- Various ‘typos’ highlighted by respondents.

## Appendix D

### Policy amendments agreed by Licensing Committee 09 September 2020

- The following statement to be inserted into the Executive Summary:

#### **COVID-19**

*Officers have considered at length inserting sections into the Policy to take into account the COVID-19 Pandemic. It should be noted that primary legislation around alcohol sales has been amended, to support the industry and the Governments response to the emergency, but this is for a limited period only. This Policy will surpass that period.*

*The Council expects licence holders to remain up-to-date on changes to legislation and guidance from central government; and had an expectation that operators will act responsibly to reduce any risks to both their staff and customers. The Licensing Authority and the Council's Health and Safety Team are keen to support businesses in this manner.*

*The Council has a commitment to renew and update policies where a significant impact on business and residents become evident. It may be that in the future, a more flexible approach with alcohol licensing may be proportionate in order to support the economy. Should evidence emerge that permanent changes are required; this can be considered with an interim consultation prior to 2026.*

- Paragraph 7 – remove reference to political parties;
- Paragraph 273 – Reference to be added in relation to single use plastics. The following paragraph has been inserted:  
*London Borough of Southwark has declared a Climate Emergency and would therefore expect that businesses refrain from using single use plastics in accordance with [The Environmental Protection \(Plastic Straws, Cotton Buds and Stirrers\) \(England\) Regulations 2020](#).*

## Statement of Licensing Policy Consultation Comments

## Question 1:

## Section One – Executive Summary - Do you believe that this provides a good summary of the Southwark Statement of Licensing Policy?

Option	Total	Percent
Strongly agree	6	23.08%
Agree	10	38.46%
Neither agree nor disagree	6	23.08%
Disagree	2	7.69%
Strongly disagree	0	0%
Not applicable	0	0%
Not Answered	2	7.69%

Who	Position	Comment	Officer response
Member of public1	Disagree	Executive summary is not highlighting the key points of the subsections. There should be at least 3 bullet points of key content messages of each subsection in the Exec summary.	Comment noted, but the format will remain unchanged.
Member of Public2	Neither agree or disagree	<p>Whilst it outlines the statutory responsibilities it isn't transparent about the heavy responsibility placed on residents to:</p> <ul style="list-style-type: none"> <li>-Get up to speed with licensing policy full of jargon</li> <li>-Prove where premises fail to take management responsibilities seriously (myself and other residents have logged and provided evidence before but it is seldom acted on in any way that improves residents lives)</li> <li>- I don't believe the way to get genuine resident engagement is by issuing an 89 page documents for residents to base their answers on.</li> </ul> <p>I think that a service design partner should be brought in to collaborate with the licensing team to translate their jargon and content for the lay person, to increase both engagement and</p>	<p>Comment noted. Complaints regarding specific premises can be investigated by Enforcement Officers.</p> <p>The Statement of Licensing Policy is to be considered as a complete document for use by all parties engaging in the licensing process. The document cannot be summarised as this would omit essential detail.</p> <p>Separate guidance to residents on making and submitting representations is available:  <a href="https://www.southwark.gov.uk/business/licences/business-premises-licensing/how-to-lodge-a-representation">https://www.southwark.gov.uk/business/licences/business-premises-licensing/how-to-lodge-a-representation</a></p>

		understanding.	
A licensed Business - Berton Ltd	Disagree		
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public 3 - STAMP (Shad Thames Area Management Partnership)	Agree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		
Other - Darwin Court healthy living centre (Peabody)	Strongly agree		

A licensed premise – Oxo 2	Agree		
Other – Member of public4	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
Other - Member of public5	Neither agree or disagree		
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree	<p>Page 2 (rather than Exec summary)</p> <p>The policy should include within the legal background on page 2 a statement that the administration of licences will be GDPR compliant.</p> <p>Also within the legal background there should be a statement that consideration of applications will include reference to the Equalities Duty.</p>	<p>Comment to be actioned.</p> <p>There is a section within the Policy that deals directly with this essential consideration.</p>
Clizia Deidda – Public Health as a Responsible Authority	Agree		
Other – The Dulwich Society	Agree		

Cllr Adele Morris - Southwark Liberal Democrat Group	Agree		
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Comments on responses:

- One comment to be actioned.

**Question:**

**Section Two – All about Southwark**

Do you find this a helpful description of the Borough?

Option	Total	Percent
Strongly agree	7	26.92%
Agree	10	38.46%
Neither agree nor disagree	4	15.38%
Disagree	1	3.85%
Strongly disagree	1	3.85%
Not applicable	0	0%
Not Answered	3	11.54%

Who	Position	Comment	Officer response
Member of public1	Disagree	Interesting information about the Borough, but it's not made clear how and why this is relevant. The policy is very long at 90 pages, I'd like to see it reduced to what is absolutely essential to know about licensing, rather than facts that have no / limited relevance.	Comments noted. All policies should though give an overview of the Borough in which they are implemented.  Please refer to the section on the 'Purpose of the Policy' on Page 15.
Member of public2	Strongly Disagree	The description of the borough could be more user friendly. The map could clearly indicate the parts of the borough which	Comments noted, however, at this time we do not have the ability to map affluence or deprivation as the Policy should be

		are Cumulative Impact Areas and better show GIS correlations between CIA's and areas of high/low deprivation.	applied equally throughout the Borough, taking into account however, and protected characteristics of the Equalities Act 2010. There are also more layered/detailed maps accessible through the links in Paragraph 146.
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public3 - STAMP (Shad Thames Area Management Partnership)	Strongly agree	It'd be good to see this summary of information circulated much more widely - maybe with Council Tax assessments every year?	Comment noted. The Borough profile is already updated at regular intervals and available for public scrutiny: <a href="https://www.southwark.gov.uk/health-and-wellbeing/public-health/health-and-wellbeing-in-southwark-jsna/southwark-profile">https://www.southwark.gov.uk/health-and-wellbeing/public-health/health-and-wellbeing-in-southwark-jsna/southwark-profile</a>
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Agree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed	Agree		

premise –Oxo 2			
Other– Member of public4	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
Other - Member of public5	Neither agree or disagree		
Cllr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree		
Clizia Deidda – Public Health as a Responsible Authority	Agree	<p>A section on alcohol and public health, such as the one that was included in the previous SoLP, would help provide a comprehensive picture of the Borough. Public Health has already provided several paragraphs on this. Could these please be considered for inclusion? These include:</p> <ol style="list-style-type: none"> <li>1. Alcohol misuse contributes (wholly or partially) to 200 health conditions, with many leading to hospital admission. This is due either to acute alcohol intoxication or to the toxic effect of alcohol misuse over time.</li> <li>2. Alcohol is now the leading risk factor for ill-health, early</li> </ol>	<p>The paragraphs submitted previously submitted by Public Health have already been considered by Officers revising the Statement of Licensing Policy.</p> <p>Public Health remains a vital and valued Responsible Authority involved with the Licensing process; any comments on applications should be specific to the contents of that application, as each is considered on its individual merits.</p> <p>The Statement of Licensing Policy is not in itself a public health document; therefore it is neither reasonable nor proportionate to include such statistics until such time as the</p>



	<p>mortality and disability among 15-49 year olds in England and the economic burden of alcohol, including both health harms and societal impacts, is between £25bn and £50bn per year in the UK . Evidence shows that over 10 million people are drinking at levels that increases the risk to their health</p> <p>3. The harmful effects of alcohol consumption can extend beyond the individual drinker and are associated with social consequences such as loss of earning or unemployment, family or relationship problems or problems with the law. Children and adolescents in particular need to be protected from the broader harmful effect of alcohol misuse.</p> <p>4. During childhood, the home and family are often a child’s primary source of what is normal or acceptable drinking, and parents exert a powerful influence on drinking behaviour in their offspring. Drinking can impair one’s ability to perform a family role and contribute to household functioning and care responsibilities. Recently, a lot of evidence has focused on Adverse childhood experiences (ACEs) and their long lasting impact on health and other social outcomes across the life course. Although there is no universally agreed definition of an ACE, several studies addressing the issue have mostly converged on a similar set of experiences falling under this term. Household alcohol abuse is in itself considered an adverse childhood experience, and it is clear that alcohol misuse can be a factor in other ACEs such as physical and emotional neglect, all types of abuse including household domestic violence and parental separation.</p> <p>5. The latest HM Government guidance on safeguarding children recognises the importance of considering the implications of household or individual alcohol misuse issues on children, and urges all stakeholders involved in the children’s care to pay due attention to any alcohol or drug related issues within the child’s household and network.</p> <p>6. The proportion of adults usually drinking at increased</p>	<p>protection of public health becomes a licensing objective. This would be more suited to an updated version of Southwark’s Alcohol Action Plan, as produced by Public Health.</p>
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		<p>or higher risk of harm was highest in higher income households for both men (35%) and women (19%), However, lower socioeconomic groups show greater susceptibility to the harmful effects of alcohol and are more likely to die or suffer from a disease relating to their alcohol use. This is known as the “alcohol harm paradox”, whereby disadvantaged populations who drink the same or lower levels of alcohol, experience greater alcohol-related harm than more affluent populations</p> <p>7. Patterns of alcohol consumption have changed dramatically over the last 40 years and there are many public health implications. The latest statistics on alcohol consumption published by the ONS, NHS Digital and other relevant bodies and organisations highlight:</p> <ul style="list-style-type: none"> <li>• A rise in home drinking and the emergence of supermarkets as leading providers for home consumption, as opposed to on-trade businesses such as pubs and restaurants</li> <li>• Alcohol is now 65% more affordable than in 1987 and available at all hours from a large number of outlets</li> <li>• An increase in UK household expenditure on alcohol, which has almost doubled to £19.3 billion in 2017, from £9.7 billion in 1987. In 2017/18, the average weekly household expenditure on alcohol was £8.70</li> <li>• A significant increase in wine consumption across the population</li> <li>• The development of new alcohol products such as strong beers and ciders and ready mixed ‘alcopops’. In fact, the market share of ‘ready to drink’ beverages has doubled since 2009</li> <li>• Development of such behaviours’ as pre-loading – drinking at home before going out – and binge drinking</li> </ul> <p>8. The most recent Local Alcohol Profile for Southwark and the Southwark’s Public Health Joint Strategy Needs Assessment report (2017) highlight:</p>	
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		<ul style="list-style-type: none"> <li>• Men and women living in Southwark are significantly more likely to be admitted to hospital with alcohol related conditions (both broad and specific) than the London and England average. Southwark ranked sixth among the 32 London boroughs for hospital admission episodes in 2014/15</li> <li>• Despite declining rates since 2011/12, admission episodes in Southwark are still high compared to London In 2016, Southwark had more claimants of benefits due to alcoholism compared to both London and England</li> <li>• Alcohol-specific mortality rates in Southwark have been steadily increasing since 2010-12 and are significantly higher than the London and England average.</li> <li>• Issues relating to binge drinking disproportionately affect areas with higher numbers of licensed venues.</li> </ul> <p>People who drink alcohol can be categorised as being at low risk, increasing risk, high risk or dependent depending on the number of units of alcohol they consume each week.<sup>4</sup> In Southwark, 72.5% of people drinking alcohol are estimated to be at lower risk; 20.8% at increasing risk and 6.7% at higher risk/dependent. (LAPE 2014) 15.8% of all drinkers in Southwark are estimated to be binge drinkers, i.e. to drink in excess of twice the recommended unit allowance on a single occasion. Public Health England estimated that there were 3,729 people who were alcohol-dependent in Southwark in 2016-17, with Southwark being the 8th highest in London.</p> <p>9. Lower socioeconomic groups often report lower levels of average consumption, yet experience greater or similar levels of alcohol-related harm. This is phenomenon is know as “the alcohol harm paradox”. It has been estimated that each percentage-point increase in income deprivation is associated with an average 4% increase in hospitalisation or mortality. Given the level of deprivation in Southwark, this is particularly</p>	
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		<p>relevant to our borough</p> <p>10. Given the scale of alcohol-related harm in Southwark, this is considered a public health concern and it is therefore vitally important that a proactive and collaborative approach is taken to promoting the licensing objectives.</p> <p>It is also essential that health-related harms are taken into consideration where they are relevant to the promotion of the licensing objectives. This is recognised by the Licensing Act 2003, that listed Public Health as a one of the Responsible Authorities. By providing advice and support to the other Responsible Authorities, Public Health can greatly contribute to the promotion of the four licensing objectives. It is the intention of this Authority that all Responsible Authorities, partner services and licensed operators work together to promote sensible drinking and support a local approach to managing the local availability of alcohol. The strength of Public Health lies in its ability to provide meaningful evidence to support the other responsible authorities in their representations. This must involve ensuring the links between density of licensed premises, alcohol availability, deprivation and alcohol related poor health and harm inform licensing decisions.</p>	
Other – The Dulwich Society	Strongly agree	Helpful information and update about demographics and social and economic conditions in the Borough. The statistics on alcohol-related crime and data provided by London Ambulance Service give a graphic picture of the increase in violence, rowdy behaviour.	Comment noted.
Cllr Adele Morris - Southwark Liberal Democrat Group	Agree		

Comments on responses:

- No comments to be actioned.

**Question:**

**Section Three – Purpose and scope of the Licensing Policy**

Do you agree that this addresses the full purpose of the Policy?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	10	38.46%
Neither agree nor disagree	6	23.08%
Disagree	0	0%
Strongly disagree	1	3.85%
Not applicable	0	0%
Not Answered	4	15.38%

Who	Position	Comment	Officer response
Member of public1	Agree		
Member of public2	Strongly disagree	<p>I don't think it responsibly upholds its purpose or scope. As I said the impact of granting a high number of licenses in mainly residential areas, with high numbers of children (especially the doling out of outside drinking permissions) is extremely irresponsible and inconsiderate to the families having to live in these neighbourhoods. The licensing team even refer to us as to the regular upheaval to our lives as "collateral" showing the utter disregard for the impact on our lives.</p> <p>The authority, for example, continue to grant TENS for premises they have records of poor management, and these have been granted on school nights over the run up to Christmas, again making it hard for our kids to get to sleep or wake of for school in the morning.</p>	<p>Comment noted. Complaints regarding specific premises can be investigated by Enforcement Officers.</p> <p>The Cumulative Impact Areas (CIAs) are reassessed regularly, and have been as part of this Policy review. There is no evidence to support changing the existing CIAs or to add any additional ones. This complainant is making an indirect reference to the Crucifix Lane area, which has been fully assessed as a potential CIA, but falls short of the requirement.</p> <p>The Statement of Licensing Policy at no point refers to any person as “collateral” and the Licensing Team deny this unsubstantiated allegation.</p> <p>A Temporary Event Notice (TEN) is not considered for granting or refusing as it is a notification that the event is going to take</p>

			<p>place, unless the Police of the Council's Environmental Team make an objection to the TEN; which will instigate a Hearing to consider the objection.</p> <p>A TEN can be used to hold one-off licensable events at unlicensed premises without the need for a premises licence, club premises certificate or the presence of a personal licence holder, provided certain criteria are met. They can also be used to temporarily extend the hours or activities permitted by a premises licence or club premises certificate. The Police and/or Environmental Protection can make representation to a TEN if there is evidence to support such objection. Each application will be considered on its own merits and may receive objections accordingly. If a TEN does not receive an objection, it is granted.</p>
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public <sup>3</sup> - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Neither agree or disagree		

A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
Other – Member of public4	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
Other - Member of public5	Neither agree or disagree		
Cllr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree	Para 37 – Line about public health within the list of other key aims this policy supports? PH of course not a licensing objective but the policy & decisions will look to promote health needs of local population etc...mental health, stress & associated physiological impacts (however this is commented on within para 76)	Comment noted.

Clizia Deidda – Public Health as a Responsible Authority	Agree		
Other – The Dulwich Society	Strongly agree		
CLlr Adele Morris - Southwark Liberal Democrat Group	Agree	In the fourth bullet point from the bottom in para 46 is it possible to expand on the partnerships?	Comment to be actioned.

Comments on responses:

- One comment to be actioned.

### Question

#### Section Four – Administration, exercise and delegation of function

Do you agree that this is a helpful summary of the administration of the Authority's powers?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	10	38.46%
Neither agree nor disagree	6	23.08%
Disagree	0	0%
Strongly disagree	1	3.85%
Not applicable	1	3.85%
Not Answered	3	11.54%

Who	Position	Comment	Officer response
Member of	Agree		



public1			
Member of public2	Strongly disagree	No, I think the authority need to be honest with residents about what they can actually do to safeguard private individuals' right to peace, quiet, sleep, reasonable quality of life.	Residents can contact the Council's Noise Team or take private action under S82 of the Environmental Protection Act 1990 with regards to noise disturbances and nuisance. The Licensing Policy only deals with 'public nuisance' that affects more than one household.  Any member of the public can review any premises licence if they feel that they are failing to promote one or more of the four licensing objectives. <a href="https://www.southwark.gov.uk/business/licences/business-premises-licensing/beer-licences/beer-licences-review-of-an-existing-premises-licence">https://www.southwark.gov.uk/business/licences/business-premises-licensing/beer-licences/beer-licences-review-of-an-existing-premises-licence</a>
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public3 - STAMP (Shad Thames Area Management Partnership)	Agree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		

A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
Other – Member of public4	Neither agree or disagree		
A licensed business - Thames Luxury Charters Ltd	Agree		
Other - Member of public5	Neither agree or disagree		
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree	Para 60 – proposed re-wording – “TEN’s that seek to permit regulated entertainment should provide public nuisance prevention measures within the application form, and if they seek to be licensed beyond 23:00 they should include comprehensive details of the event, SIA, a Searching policy and a dispersal plan, so the Police and Environmental Protection Team can properly assess the event.”	Comment to be actioned.

		<p>Sections 64-68 This should state that it is not a valid use of multiple TENS to provide the same regulated entertainment (the same band or DJ etc) to an audience of more than 499 even if they are on separate premises. Because the definition of 'regulated entertainment' includes reference to 'an audience')</p> <p>Para 77 says 'relaxant offences' (this is a type of drugs offence). However it refers to an employment offence. I think this may be a typo for 'relevant offences'?</p>	<p>Comment to be actioned.</p> <p>Comment to be actioned.</p>
Other – The Dulwich Society	Agree	<p>Para 73. The information on the public register in relation to a new premises licence should be expanded to include a copy of an Applicant's Operating Schedule so that people can read and make informed representations on the steps an Applicant intends to take to meet each of the four licensing objectives set out in the Licensing Act 2003.</p> <p>Paras 56-68. Are details of applications for TENS available on the public register or elsewhere on Council's website?, Please include details of how to find them.</p> <p>Para 88 What form does conciliation take with persons ( as opposed to Responsible Authorities) who have made representations ?</p>	<p>At this time, it is not possible to include a complete copy of an application on the public register. However, it is possible for any person to arrange to see the application in full by appointment at the Council offices. In addition, Officers may be able to send copies to enquirers, if they are redact-able of personal information.</p> <p>Applications for TENS are not put on the public register as members of the public cannot object to them. This can only be done by the Police and Environmental Protection.</p> <p>Conciliation is a process by which Applicants and Objectors mediate the terms of the withdrawal of a representation, either by amending the application or by reducing the requests of the representation. This can take place through meetings, and correspondence exchange. Representations that cannot be conciliated will be presented to a Licensing Sub Committee for determination. Please see Paragraph 88 of the Policy.</p> <p>Southwark is also looking to renew the online register so that more information can be available online.</p>
Cllr Adele Morris - Southwark Liberal Democrat	Agree		

Group			
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Comments on responses:

- Three comments to be actioned.

**Question:**

**Section Five – Determining application for premises licence and club premises certificates**

Do you agree that this is helpful in explaining how applications are determined?

Option	Total	Percent
Strongly agree	6	23.08%
Agree	7	26.92%
Neither agree nor disagree	7	26.92%
Disagree	1	3.85%
Strongly disagree	1	3.85%
Not applicable	1	3.85%
Not Answered	3	11.54%

Who	Position	Comment	Officer response
Member of public1	Agree		Comments noted.
Member of public2	Strongly disagree	Representations from residents never seem to be taken very seriously in my experience and outside drinking permissions (the biggest burden for residents) are always granted despite objections being made. I don't think licensing committees or sub-committees are always knowledgeable enough about the areas that they are making decisions on or understand the extent of disruption to the lives of local people.	Comment noted. Complaints regarding specific premises can be investigated by Enforcement Officers.  Representations from all parties are given equal weight as long as they meet the relevant criteria. In addition, any person objecting to an application is welcome to attend the Licensing Sub Committee to provide further evidence in person.

		I also believe that the current processes for notifying residents works or is explicit enough. Most of us didn't think twice about a blue A4 notice pinned up in the street until we, by default, had to take a crash course in licensing application processes and despite being on the licensing notification register, there were a number of applications for Druid Street that I wasn't notified about last year and by the time I knew about one of them it had already passed it's deadline for representations. I'm sure these are simply human errors but it doesn't paint a good picture of the service.	Any person wishing to be advised of new applications should write to <a href="mailto:licensing@southwark.gov.uk">licensing@southwark.gov.uk</a> with the names of the Wards you wish to be notified about. You will then receive an automatic notification when any new application is received.
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public3 - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Neither agree or disagree		
A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		

Other - Darwin Court healthy living centre (Peabody)	Strongly agree		
A licensed premise –Oxo 2	Agree		
Other– Member of public4	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
Other - Member of public5	Disagree	This policy does not explain how and circumstances in which the general policy recommendations are policies are deviated from when granting licences.	There are no set criteria for Members of the Licensing Sub Committee to deviate from Policy recommendations and consider each application on its own merits. In reaching that decision, the Sub Committee will have had regard to all the relevant considerations and the four Licensing Objectives; and considered that this decision was appropriate and proportionate to add conditions and/or to deviate from the original CIA Policy. The Statement of Licensing Policy is there as a guidance for all parties to an individual application and is intended to be used to assist all parties in reviewing the content of all applications.
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as	Strongly agree		

Responsible Authority			
Other – The Dulwich Society	Neither agree or disagree		
CLlr Adele Morris - Southwark Liberal Democrat Group	Agree		

Comments on responses:

- No comments to be actioned.

**Question:**

**Section Six – Local Cumulative Impact Areas (CIAs)**

Do you agree that the CIAs are sufficient?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	8	30.77%
Neither agree nor disagree	5	19.23%
Disagree	1	3.85%
Strongly disagree	3	11.54%
Not applicable	0	0%
Not Answered	4	15.38%

Who	Position	Comment	Officer response
Member of	Agree		

public1			
Member of public2	Strongly disagree	<p>I believe there are 10 or 11 licensing premises on Druid Street, a high "number, type and density of premises selling alcohol" and causing "serious problems of nuisance and disorder" yet the authority refuse to designate the area as a CIA. The number of residents affected on Druid Street alone is approximately 800, perhaps more (combining St Olav's, St John's and Arnold Estates), all with a high percentage of children and young families. None of this is considered, by the authority, good enough reason to designate a CIA.</p> <p>However, I agree that CIAs are not intended as a barrier to regeneration. Businesses (including licensed premises) get a regular seat at the table with the council's regen team, whose engagement with residents is far less and we are frequently left out of forums that decide the future of our neighbourhood.</p>	<p>There is insufficient evidence to support an additional CIA in the Druid Street area. Grievances from a lone complainant will not necessitate a new CIA. This has already been considered by the Licensing Committee. Access to that meeting agenda and minutes is available at:</p> <p><a href="http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=171&amp;MId=6160&amp;Ver=4">http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=171&amp;MId=6160&amp;Ver=4</a></p>
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public3 - STAMP (Shad Thames Area Management Partnership)	Disagree	<p>The Council should look very carefully at extending CIAs to support their Healthy Streets initiative.</p>	<p>All CIAs have been reassessed as part of this consultation process and at this time, there is insufficient evidence to change them.</p> <p>In addition, please refer to Paragraph 14.19 of the Section 182 guidance... "There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a</p>



			<p>matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy”.</p> <p><a href="http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=171&amp;MId=6485&amp;Ver=4">http://modern.gov.southwark.gov.uk/ieListDocuments.aspx?CId=171&amp;MId=6485&amp;Ver=4</a></p> <p>The Healthy Street initiative is to reduce traffic volumes and make the streets safer and healthier, to encourage active travel such as walking and cycling. This is not a licensing objective.</p>
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Strongly disagree	<p>The CIA areas and the policies need reassessing.</p> <p>Peckham CIA area doesn't take into account changes in the area. Indeed the wording hasn't been edited since it was first written, during which time there are now new road names.</p> <p>The policy doesn't reflect the change in the night time economy that has happened in the last five years.</p>	<p>All CIAs have been reassessed as part of this consultation process and at this time, there is insufficient evidence to change them.</p> <p>Officers are not able to find that any road names have altered.</p> <p>The Peckham CIA remains in place specifically because of the change in the night time economy.</p>
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		

<p>Other - Member of public5</p>	<p>Strongly disagree</p>	<p>CIA's have been good a control measure and fewer licences in these areas have resulted in reduced disorder and nuisance. This has however sometimes resulted in negative fallout in the adjoining areas. The presumption against grant within the CIA has been loosely applied. The licence granted for the operation of Vinegar Yard on St Thomas Street in the CIA is a case in point which has flooded the area with large number of people at weekends and evenings.</p> <p>The area of Bermondsey Street and the triangle it forms to the right bordered by Tower Bridge Road to the east (Bermondsey Street area) which is on the Southern eastern periphery of the existing Borough and Bankside is now saturated with late night drinking establishments that are negatively impacting the local community.</p> <p>This particularly at the weekend beginning from Wednesday/ Thursday has become a destination for late night drunken revelry replacing what used to be a vibrant local community enjoying and encouraging independent businesses, local food and drink. It has become a haven for outside businesses whose economic viability depends on the sale of large quantities of alcohol till the early hours of the morning.</p> <p>This has resulted in anti-social behaviour like public urinating and vomiting (our doorstep is routinely soiled), noisy disorderly conduct, loud shouting and drunken behaviour and public nuisance to the residents.</p> <p>There are now some 29 premises licenced for sale or consumption of alcohol on the 500m stretch of Bermondsey street and Crucifix Lane south of the railway bridge till Long Lane, which was excluded from CIA as an area of strategic cultural importance. It is acknowledged in the Policy that Bermondsey Street is a mixed use with high density residential usage. This fact appears to be neglected when increasing number of late-night licences are granted. Of the 29 licences at least 4 have been granted licence to remain open till 2.30pm</p>	<p>All applications are considered on their individual merits and whether or not an Applicant can mitigate the potential for nuisance in the application's operating schedule. Any grant will likely take into account the potential for regeneration of an area. Any person wishing to challenge a decision can appeal within the statutory time limits once the licence is granted; and has access to the review procedure.</p> <p>The current CIAs have been reviewed and at this time, there is insufficient evidence to amend or extend the existing boundaries.</p> <p>This consultation is to consider the Borough-wide Statement of Licensing Policy, rather than to deal with complaints regarding specific premises. There is a formal complaint procedure that can ben followed for Officers to investigate potential breaches.</p>
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		<p>and 3 till 1.30 pm for 4 or more days of the week, 3 of which are within 30m stretch directly overlooked by various residences.</p> <p>The Borough &amp; Bankside CIA should be extended to include the full length of Bermondsey Street and area to the east bordered by Tower Bridge Road.</p>	
<p>Cllr Renata Hamvas – Licensing Committee Chair (two responses combined)</p>	<p>Strongly agree</p>	<p>There is no current evidence that further CIAs are required or that the that the three current ones should be abolished</p>	<p>Comment noted.</p>
<p>Mark Prickett – Environmental Protection as Responsible Authority</p>	<p>Strongly agree</p>	<p>“144. With over 1,400 licensed premises operating within the Borough, parts of Southwark have now reached saturation point. Where this occurs the economic benefits of providing alcohol outlets during the day and/or the night time economy begin to be outweighed by increased public nuisance and crime and disorder, loss of amenity and the costs of excessive alcohol consumption.”</p> <p>I would like to see ‘costs’ changed to ‘damage costs’. This would allow the policy to consider evidence of the cost to the NHS of treating injuries caused by glassings, as an offset to the benefits of additional economic activity.</p>	<p>Comments noted. The term ‘costs’ is more overarching and therefore will remain the same.</p>
<p>Clizia Deidda – Public Health as a Responsible Authority</p>	<p>Agree</p>		
<p>Other – The Dulwich Society</p>	<p>Neither agree or disagree</p>		
<p>Cllr Adele Morris - Southwark Liberal Democrat</p>	<p>Neither agree or disagree</p>	<p>CIAs have previously been requested for the Shad Thames and Druid Street areas, and they have been dismissed on the basis of not meeting the relevant criteria. However, para 134 states that: “Guidance sets out that relevant information which Licensing</p>	<p>At this time, the evidence submitted by residents and the data sought on crime levels etc. has not supported a change in CIAs.</p> <p>The level of complaints (both to Licensing and Environmental</p>

<p>Group</p>		<p>Authorities may be able to draw upon to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives will include:</p> <ul style="list-style-type: none"> <li>• Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;</li> <li>• Statistics on local anti-social behaviour offences;</li> <li>• Health related statistics such as alcohol related emergency attendances and hospital admissions;</li> <li>• Environmental Health complaints, particularly in relation to noise and litter;</li> <li>• Complaints recorded by the Local Authority, which may include complaints raised by local residents or residents associations;</li> <li>• Evidence from local Councillors;</li> <li>• Evidence obtained through local consultation”</li> </ul> <p>In Southwark, the existing Cumulative Impact Areas have been drawn up mainly on the basis of the first 3 of those points, and the latter 4 points do not seem to be taken into account. It would be helpful to see a further explanation of what evidence might be appropriate and substantive enough to make such a designation using the latter 4 points, as the impact on the health and wellbeing of local residents is as important as the health and wellbeing of those using the licensed premises. In Druid Street in particular, ward councillors have worked hard with residents and businesses to resolve some of the issues that have arisen as a consequence of the area being described as “The Beer Mile”. Previously ward councillors and residents have tried to get protection for residents in the Shad Thames area. However there is no clarity on how those latter 4 points could be used, other than through strict conditions at the point of application or through a review to control the cumulative impact of those premises on local residents. Could there be some kind of second tier CIA to help protect those residents?</p>	<p>Protection) are currently taken into consideration. It is the experience of Officers that resident complaints usually stem from one or two specific premises, rather than the area as a whole. Those residents are provided with suitable advice regarding the review procedure. In addition it the experience of Officers that whilst the level of complaints may be particularly high, they are more often from a single residential address. It would therefore fail the ‘public nuisance’ licensing objective. To introduce a CIA in a set zone because of a single resident would be disproportionate and a potential misuse of Local Authority powers. We have had reviews brought by individual residents (particularly in the Druid Street area) which have ultimately failed, as additional residents did not come forward to support the claims made.</p> <p>The few residents that have responded to this consultation all have complained historically, or have an ongoing complaint about specific premises.</p> <p>As the majority of residents do not complain, it may be reasonable to consider that the current CIAs are sufficient.</p> <p>In addition, please refer to Paragraph 14.19 of the Section 182 Guidance...”There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy”.</p> <p>The wellbeing of residents is paramount to the licensing regime, but must be balanced with the promotion of successful business needs as the Authority looks to encourage and promote business innovation.</p>
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Comments on responses:

- No comments to be actioned.

**Question:**

**Section Seven – Hours of operation. The current Policy lists suggested closing times of licensed premises.**

Do you think that these hours are correct? Do you have any additional comments to make on the opening or closing hours?

Option	Total	Percent
Strongly agree	2	7.69%
Agree	11	42.31%
Neither agree nor disagree	4	15.38%
Disagree	2	7.69%
Strongly disagree	4	15.38%
Not Answered	3	11.54%

Who	Position	Comment	Officer response
Member of public 1	Agree		Comments noted.
Member of public 2	Strongly disagree	No. Again they favour businesses, an increase in transient tourist population and fail to take into account the schedules of families who have to get up for work and school, often travelling through the debris of broken bottles from the night before (often left in playgrounds across our estate and outside the Downside Youth Centre) where many of the customers of the Southwark Brewery gather to drink outside.	The licensing hours for residential areas is addresses within the Policy with the earliest closing times.  Complaints in relation to street cleaning should be made to: <a href="https://www.southwark.gov.uk/street-care">https://www.southwark.gov.uk/street-care</a>
A licensed business - Diogenes the Dog	Disagree	Late night refreshments before midnight should not undergo additional license fees. Certain parts Southwark have a non-existent night life and a struggling high street. Penalising community focused businesses with any additional licensing fees will only seek to shrink the high street, and send Southwark residents to other boroughs for enjoyment of licensed activities.	At this time, the Lane Night Levy applies only to premises selling alcohol after midnight, not those providing late night refreshments (hot food and drinks). This was subject to its own individual consultation; which the Licensing Committee and then full Council adopted.  Should this situation change, a full public and statutory consultation will be made specifically on this issue.
A licensed business –	Agree		

Aribica Bar and Kitchen			
A licensed business – Hiver Beers	Agree		
A member of public 3 - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree	Residential areas should have an absolute limit of 23.30 every day, no matter what the premises.	Comment noted.
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Disagree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
Other – Member of public 4	Agree	Specific to St Christopher’s Inn Borough High Street. Noise of amplified music and dreadful Karaoke is always way too loud, and way too late at night. Disturbance to neighbours in Maidstone Buildings Mews.	This is not a Policy comment. Specific advice has been provided to the complainant.
A licensed business - Thames Luxury	Strongly disagree	I don't believe you can seek to enforce a blanket closing time against all businesses falling within particular business groups, or within certain areas, particularly when historically this has not been the case. I believe this would be a retrospective step	The closing times listed in the Policy are a guide for Members of a Licensing Sub Committee. If an Applicant is able to negate potential negative impacts on the licensing objectives are part of their operating schedule, it is possible for later

Charters Ltd		and instead a business should be expected to make a case for the hours it wishes to operate within.	hours to be granted. This must be balanced between the needs of businesses and the wellbeing of local residents.
Other - Member of public5	Strongly disagree	<p>Town Centres- The suggested closing times ignore the residents. They recommend remaining open even on Sundays till 23:00 such that residents should be allowed 1 day of peace and rest and undisturbed sleep. Bermondsey Street area has been roped into a category of 'cultural significance' by some artificial categorisation ignoring its long-standing residential character. (acknowledged in the Policy as requiring special consideration but ignored when licences are granted)</p> <p>More importantly the suggested timings are regularly not followed and licences are liberally granted beyond the recommended hours. For example, on the 500m southern stretch Bermondsey Street there are at least 17 premises (out of 24) that have been granted a licence since to operate outside the suggested times.</p> <p>Restaurants and drinking establishments should be clearly identified when licences are granted. Drinking establishments (which serve some food) should not be treated and granted a licence as if they were restaurants and therefore granted licences beyond recommended hours for bars. The activities and the public nuisance and disorder posed by both are qualitatively different.</p>	<p>The closing times listed in the Policy are a guide for Members of a Licensing Sub Committee. If an Applicant is able to negate potential negative impacts on the licensing objectives are part of their operating schedule, it is possible for later hours to be granted. This must be balanced between the needs of businesses and the wellbeing of local residents.</p> <p>It should be noted that many premises licence will have been granted <i>before</i> the current Policy hours came in. The date of licences listed on the online register refers to the date of the latest change to the licence and frequently is as a result of change in ownership or the Designated Premises Supervisor.</p> <p>Some premises have a clear condition on their operating schedule stating that alcohol is ancillary to food.</p>
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly disagree	I would suggest nightclubs with sui generis permission would have a 6am closing time. I would also suggest that times in town centre areas could be a bit longer	This is a valid representation, however, this was put to Members before the public consultation and was rejected. Members may wish to reconsider their position.
Mark Prickett – Environmental Protection as Responsible	Strongly agree	<p>District town centres – Restaurant and cafes’ – “0:100” – change to ‘01:00’</p> <p>Publichouses etc – allowed until 23:30 Sun - Thurs in local centres &amp; residential areas, but only until 23:00 in major &amp;</p>	<p><b>Comment to be actioned.</b></p> <p>Closing times were considered by Members before the consultation; any changes were rejected.</p>

Authority		<p>district town centres. Allow the latter to be 23:30 also?</p> <p>A lot of premises provide both seating for restaurant &amp; bar area – is the automatic fall back to restaurant hours when a premises claims to be more food-led?</p>	<p>That would depend on the content of the operating schedule and the intended use of the premises.</p>
Clizia Deidda – Public Health as a Responsible Authority	Agree	<p>We recommend the introduction of suggested opening hours and had already suggested the paragraph below be introduced:</p> <p>"In addition to the suggested closing times of licensed premises, the Local Licensing Authority also suggests a delayed start of alcohol sales and recommends that no alcohol is supplied earlier than 11:00 for off licensed trade and 10:00 for on licenced trade. This is because the Local Licensing Authorities recognises that early morning drinking is considered one of the indicators for alcohol misuse (this is regularly screened for in the AUDIT, CAGE and T-ACE Alcohol misuse screening questionnaires). Delaying the start time of alcohol sales may also contribute to the licensing objective for the protection of children from harm as it may potentially limit their exposure to intoxicated individuals or street drinking on their way to school, particularly in relation to off licenced trade."</p>	<p>This fails to take into account that many residents work shifts and will not have access to shops during the daytime. Licensing is a permissive regime and should not seek to prevent the majority of sensible drinkers from gaining access to alcohol because of a minority of alcohol misusers.</p>
Other – The Dulwich Society	Agree	<p>Para 176 Why are the 'suggested closing times' Sunday - Thursday for public houses, wine bars etc in Residential Areas half an hour later than in Major Town Centres and strategic cultural areas. ?</p> <p>An Applicant seeking closing times later than the 'suggested closing time' for premises in residential areas should have to demonstrate exceptional circumstances if his application is to be granted.</p>	<p>Members considered closing times before the Policy went to consultation and decided that no changes were necessary.</p> <p>The closing times listed in the Policy are a guide for Members of a Licensing Sub Committee. If an Applicant is able to negate potential negative impacts on the licensing objectives are part of their operating schedule, it is possible for later hours to be granted. Members consider the balance between the needs of businesses and the wellbeing of local residents.</p>
Cllr Adele Morris - Southwark Liberal Democrat Group	Agree	<p>Please can you add 1-21 London Road, SE1 to the list of shopping parades?</p>	<p><b>Comment to be actioned.</b></p>



Comments on responses:

- Two comments to be actioned.

**Question:**

**Section Eight – The prevention of crime and disorder**

Do you agree that the Policy effectively cover this licensing objective?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	10	38.46%
Neither agree nor disagree	6	23.08%
Disagree	0	0%
Strongly disagree	1	3.85%
Not applicable	0	0%
Not Answered	4	15.38%

Who	Position	Comment	Officer response
Member of public 1	Agree		Comments noted.
Member of public 2	Strongly disagree	I don't believe the policy acknowledges the impact of crime and disorder or understands that putting up more flimsy signs in the street, which customers as well as residents don't notice does not act as a deterrent.	Comment noted. The Police have provided substantial input into this section of the Policy based on their experience with dealing with crim and disorder within the Borough.
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		

A licensed business – Hiver Beers	Agree	<p>One issue we specifically have is the parking arrangements near our venue on Stanworth Street.</p> <p>At present there are no restrictions for weekend parking which has resulted in our business being blocked by cars on a regular basis. Furthermore we have noticed that if in the event of an emergency situation it would be incredibly difficult for emergency vehicles to access the area which includes several blocks of flats.</p> <p>We would urge that restrictions are brought in to avoid any accidents.</p>	<p>This is not an issue for the Southwark Statement of Licensing Policy consultation. We will refer this to Southwark’s Parking Services: <a href="https://www.southwark.gov.uk/parking">https://www.southwark.gov.uk/parking</a></p>
A member of public 3 - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
Other –	Neither agree or		

Member of public4	disagree		
A licensed business - Thames Luxury Charters Ltd	Agree		
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree		
Clizia Deidda – Public Health as a Responsible Authority	Agree		
Other – The Dulwich Society	Agree	The revisions made in this section are helpful	Comment noted.
CLlr Adele Morris - Southwark Liberal Democrat Group	Agree		

Comments on responses:

- No comments to be actioned.

**Question:**

**Section Nine – Ensuring Public Safety**

Do you agree that the Policy effectively cover this licensing objective?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	11	42.31%
Neither agree nor disagree	4	15.38%
Disagree	0	0%
Strongly disagree	1	3.85%
Not applicable	0	0%
Not Answered	5	19.23%

Who	Position	Comment	Officer response
Member of public1	Agree		Comments noted.
Member of public2	Strongly disagree	I have seen several fights in the street when SIAs have gone homes and bars have shut. The spill over of the night time economy beyond closing time, when a large percentage of the shouting, defecation in the street or outside residents gardens, smashing bottles, fighting etc, happens leaves residents vulnerable to the chaos but also the drunken stragglers are not safe, often barely able to walk and staggering into oncoming traffic on Druid Street	Fighting, drunken behaviour and disorderly conduct in the street is a reportable crime that should be made to the Police.
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		

A licensed business – Hiver Beers	Agree		
A member of public <sup>3</sup> - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Agree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
CLlr Renata Hamvas – Licensing Committee Chair (two	Strongly agree		

responses combined)			
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree		
Clizia Deidda – Public Health as a Responsible Authority	Agree	<p>Paragraph 249 "Measures in support of the public safety licensing objective – Taking a proactive approach to customer safety"</p> <p>Please consider adding the following measure:</p> <ul style="list-style-type: none"> <li>• Ensure that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%, applicable to off licences and stores or shops only"</li> </ul>	<p>Such a condition is only added to a premises licence if it is necessary and should not be applied on an ad hoc basis.</p> <p>Licensing is a permissive regime and should not seek to prevent the majority of sensible drinkers from gaining access to alcohol because of a minority of alcohol misusers.</p>
Other – The Dulwich Society	Agree	The updates are helpful. No specific comments	Comment noted.
Clr Adele Morris - Southwark Liberal Democrat Group	Agree		

Comments on responses:

- |   |
|---|
| <ul style="list-style-type: none"> <li>• No comments to be actioned.</li> </ul> |
|---|

**Question:**

## Section Ten – The prevention of public nuisance

Do you agree that the Policy effectively covers this licensing objective?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	9	34.62%
Neither agree nor disagree	6	23.08%
Disagree	1	3.85%
Strongly disagree	1	3.85%
Not applicable	0	0%
Not Answered	4	15.38%

Who	Position	Comment	Officer response
Member of public 1	Agree		
Member of public 2	Strongly disagree	I think everything I have said above will explain why.	Comment noted.
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed business – Hiver Beers	Agree		
A member of public 3 - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree		
A licensed	Strongly agree		

business – The Horseshoe			
A licensed business - Camino	Strongly agree		
A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
Other – Member of public 4	disagree	Late night raucous noise from patrons of St Christopher's Inn who congregate in the adjacent Kentish Buildings laneway and shout and scream after midnight, all of which racket echoes down Maidstone Mews and keeps residents awake. This venue needs more rigorous policing and enforcement according to Southwark's noise pollution policy.	This is not a Policy comment. Specific advice has been provided to the complainant.
A licensed business - Thames Luxury Charters Ltd	Agree		
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Agree/Strongly agree	Over the last year premises have been agreeing not to use single use plastics wherever possible on a voluntary basis. This goes further than the wording in this policy as it covers other plastics such as takeaway containers, not just drinking vessels and straws. I would like this to be extended to cover all licensed premises.	So far, this has been accepted by premises at Hearings as an undertaking, rather than a formal condition. It cannot be automatically added to premises licenses. Consideration must be given to how this promotes one of the Licensing Objectives. For example, this may also need to be balanced with the removal of glassware from certain premises to prevent them as being used as weapons.  The use of single use plastics don't relate to a licensable



			activity which would make any condition unlawful. Added to this, any addition to policy on this point would have a limited shelf life. The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 is currently due to come into force in July 2021 which would see the use of single use plastics as a criminal offence in all businesses and licensed premises (with the exception of certain very limited circumstances). When these Regulations come into force, conditioning single use plastics would become unlawful and duplicitous.
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree	Para 266. The technical guidance for noise has recently been updated, so to change the year date from 2017 to 2019.	Comment to be actioned.
Clizia Deidda – Public Health as a Responsible Authority	Agree		
Other – The Dulwich Society	Agree	The updates are helpful. No specific comments	Comment noted.
CLlr Adele Morris - Southwark Liberal Democrat Group	Neither agree or disagree	There is a knock on effect on local residents of badly managed, or cumulative numbers of licensed premises where there is no proper control over patrons once they have left the premises. This can include shouting and in some cases urinating and vomiting as they go. The recently introduced night time levy may go some way to helping with this issue however, there are still significant levels of public nuisance in some areas of the borough which the council needs to find a way to manage more effectively.	Comment noted.

Comments on responses:

- One comment to be actioned, further legal clarification required one another.

**Question:**

**Section Eleven – The protection of children from harm**

Do you agree that the Policy effectively cover this licensing objective?

Option	Total	Percent
Strongly agree	8	30.77%
Agree	7	26.92%
Neither agree nor disagree	5	19.23%
Disagree	1	3.85%
Strongly disagree	1	3.85%
Not applicable	0	0%
Not Answered	4	15.38%

Who	Position	Comment	Officer response
Paul Gander – Trading Standards	Strongly Agree	<p>In 301 remove out of date reference</p> <ul style="list-style-type: none"> <li>• Providing the opportunity for small independent retailers to attend an accredited in-house training course called 'Do You Pass'. This forms part of the national Fair Trading Award scheme sponsored by the Trading Standards Institute. Passing the course indicates staff have knowledge and competence in relation to age restricted sales law.</li> </ul> <p>In 305 – amend and remove out of date comments to as below</p> <p>PASS means Proof of Age Standards Scheme which is UK’s national proof of age card accreditation scheme, endorsed by the Home Office, the National Police Chiefs’ Council and the Security Industry Authority (SIA).</p>	<p>Comment to be actioned.</p>
Member of public 1	Agree		
Member of public 2	Strongly disagree	<p>For me, this is where residents are let down the most. Our children are, on a regular basis, deprived of sleep, exposed to explicit language piped into our homes by noisy outside drinkers, struggle to way up for school in the morning, think it's normal or funny to see drunk men rolling in the street or</p>	<p>Comment noted. Complaints regarding specific premises can be investigated by Enforcement Officers.</p>

		wearing large nappies on their weekly stag dos. We would NEVER have moved here 12 years ago if these bars had existed then. It has made my family's life miserable.	
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Strongly agree		
A licensed business – Hiver Beers	Agree		
A member of public3 - STAMP (Shad Thames Area Management Partnership)	Neither agree or disagree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Strongly agree		
A licensing business - Mountview Academy of Theatre Arts	Disagree	I don't believe the policy makes clear how it distinguishes safeguarding children from other forms of harm	Comment noted, however, the section is quite clear on how this distinction is drawn.
Other - Darwin Court healthy living centre (Peabody)	Agree		

A licensed premise – Oxo 2	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
CLlr Renata Hamvas – Licensing Committee Chair (two responses combined)	Strongly agree		
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree		
Clizia Deidda – Public Health as a Responsible Authority	Agree	Paragraph "283. Relevant considerations might include:" please consider adding the following:  "Preventing exposure to intoxicated individuals and/or street drinking (i.e. on the way to school)"	The consumption of alcohol is not a licensable activity; rather this would be for the Police to regulate. There is also a Borough-wide PSPC (Public Space Protection Order) that covers street drinking, which provides restrictions and penalties.
Other – The Dulwich Society	Agree		
CLlr Adele Morris - Southwark Liberal Democrat Group	Neither agree or disagree	The impact of continued disturbance, including on sleep, can have a negative effect on children's mental and physical health. Is there any way that the policy can emphasise the need to take these impacts into consideration when assessing the suitability of location for a licensed premises?	This should already be considered by Environmental Protection in their role as Responsible Authority during the consultation process.  The section on hours attempts to generally address residential areas by giving an earlier closing time.

Comments on responses:

- Two comments to be actioned.

**Question:**

**Section Twelve – Enforcement**

Do you find this section helpful in explaining the Authority’s role in licensing enforcement?

Option	Total	Percent
Strongly agree	5	19.23%
Agree	9	34.62%
Neither agree nor disagree	5	19.23%
Disagree	0	0%
Strongly disagree	1	3.85%
Not applicable	1	3.85%
Not Answered	5	19.23%

Who	Position	Comment	Officer response
Member of Public1	Neither agree nor disagree		
Member of public2	Strongly disagree	Again, I don't think it goes far enough in showing the limits of enforcement. The policy reads as though there is light at the end of the tunnel for residents affected. There isn't and, to be fair to licensing, I think further areas of Southwark, especially Housing, and Public Health need to be part of an honest and open conversation that properly acknowledges the impact of the policy and the way it is carried out on residents.	Comment noted.
A licensed business - Diogenes the Dog	Strongly agree		
A licensed business – Aribica Bar and Kitchen	Agree		
A licensed	Agree		

business – Hiver Beers			
A member of public3 - STAMP (Shad Thames Area Management Partnership)	Agree		
A licensed business – The Horseshoe	Strongly agree		
A licensed business - Camino	Agree		
A licensing business - Mountview Academy of Theatre Arts	Neither agree or disagree		
Other - Darwin Court healthy living centre (Peabody)	Agree		
A licensed premise – Oxo 2	Agree		
A licensed business - Thames Luxury Charters Ltd	Agree		
Cllr Renata Hamvas – Licensing Committee Chair (two responses)	Strongly agree		

combined)			
Mark Prickett – Environmental Protection as Responsible Authority	Strongly agree		
Other – The Dulwich Society	Agree	S334 Can you expand to detail how members of local communities can submit complaints/referrals.	Complaints can be made in a number of ways, either directly to <a href="mailto:licensing@southwark.gov.uk">licensing@southwark.gov.uk</a> , via a Ward Councillor or through the Council’s complaints portal: <a href="https://www.southwark.gov.uk/council-and-democracy/complaints-comments-and-compliments/making-a-complaint">https://www.southwark.gov.uk/council-and-democracy/complaints-comments-and-compliments/making-a-complaint</a>
Cllr Adele Morris - Southwark Liberal Democrat Group	Agree		

Comments on responses:

- No comments to action.

Question

**Is there anything that you think the Policy should also be covering, or do you have any other comments or suggestions not already covered by the questions above?**

**Do you have any further comments?**

There were 12 responses to this part of the question.

Who	Comment	Officer response
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Member of Public1	Policy is too long and key points are not clearly highlighted, it is therefore difficult to read and interpret. Simplification would go a long way.	Comment noted, however, the Policy is to be considered as a single document.
Member of public2	I think it should cross with issues such as parking enforcement and environmental health where there are synergies, via businesses increasing illegal parking and engine idling because of frequent deliveries. Again, huge impact on public health. My son wheezed as a baby, got better and in the past 2 years (since the rise in businesses and lorries idling outside) has started to use an inhaler again. It's so hard to get other areas of Southwark to listen to residents. It is extremely distressing.	This is not an issue for the Southwark Statement of Licensing Policy consultation. Please refer to Southwark Parking Services: <a href="https://www.southwark.gov.uk/parking">https://www.southwark.gov.uk/parking</a>  Environmental Protection and Public Health remain as Responsible Authorities as part of the licensing consultation process. They have also engaged fully in this Policy consultation.
PC Graham White – Police Responsible Authority	<p>1. Page 39 of the policy section 162 point 1 refers to small premises. This is open to interpretation and we would like to see small premises defined. The police submit that less than 50 would constitute a small premises. Any more than this, would likely have an impact and would need to be put before the licensing subcommittee.</p> <p>2. Under the Crime and disorder section. Sale of alcohol for consumption on the premises. The police would like the sale of Full and Half bottles of spirits discouraged as this can lead to extreme levels of intoxication due to lack of control over consumption. A number of examples have occurred within Southwark. Distriandina Elephant road, K-Che Old Kent Road. The police are aware that this can be a cultural thing but we maintain that this needs to change and should be included within the policy.</p> <p>3. Public Nuisance, outside areas. We would like that all furniture (Seats and tables) where possible should be removed from outside areas or made inoperable, that the public still have access to when the premises close to avoid the use by street drinkers and other people during the night. This has caused a number of problems across the borough at a number of venues.</p> <p>4. Events. We would like a specific mention for a detailed Dispersal policy to be included within the event management</p>	<p>Comment to be actioned.</p> <p>Comment to be actioned.</p> <p>Comment to be actioned.</p> <p>Comment to be actioned – Paragraphs 60-62 to have been amended to recommend that this information be</p>



	<p>plan section.</p> <p>5. Recommended start times of Alcohol off sales. The policy gives detailed recommended times for closing. The police would like to see 10am inserted as a recommended time for the start for the sale of alcohol, especially within the off sales section. This is to prevent alcohol dependent people obtaining drink and discouraging them as this is a serious problem for homeless and causes a number of problems across the borough.</p>	<p><b>forthcoming.</b></p> <p>Start times are not being reconsidered at this time.</p>
Other - Member of public5	<p>Unless the late-night drinking establishments are controlled in relation to number and operating hours the main licensing objectives however well covered in the policy cannot be met. The drunken disorderly behaviour on the streets, nuisance from within the premises, loud music and patrons outside the premises all through the night cannot be managed unless licensing is controlled with careful assessment of good practice management.</p>	<p>Comment noted. New applications may be subject limitations of CIPs.</p>
<p>Cllr Renata Hamvas – Licensing Committee Chair (two responses combined)</p>	<p>I think all applications for outdoor festival type events for over 500 patrons should be initially for one year only and thereafter a permanent annual event Licence can be applied for.</p> <p>The Equalities Act 2010 is separate, I am wondering, wondering if an enhanced equalities section could go in here too.</p>	<p>Comment noted, however, the Authority cannot limit applications made by Applicants. This can be a recommendation but is not enforceable. The review process is specifically designed for residents and Responsible Authorities to use where the use of a premises licence is undermining the licensing objectives. This is therefore inserted as a recommended only, in Paragraph 284.</p> <p>Equalities are considered throughout the document and should be held in regard when agreeing the final version of the Policy. In addition, Authority will undertake equalities impact assessments of the policy at regular intervals to identify the effects the policy may have had for different groups and take appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement.</p>

<p>Mark Prickett – Environmental Protection as Responsible Authority</p>	<p>Arch premises - There is no mention of arch premises within the policy. Not sure if a section if needed / wanted, but such premises that seek to be licensed are predominately close to residential properties and as a result any late night and weekend opening could lead to public nuisance if not managed effectively. Big uptake in Southwark for food &amp; drink based businesses within arch premises, and as such that could generate odours from brewing / food production, noise from deliveries &amp; collections, patrons coming and going, existing arches have poor noise insulation / inadequate insulation for late night entertainment etc. Plus encroachment into public highway &amp; need for other permissions – need to contact highways licensing.</p> <p>Noise from boats – Nothing in the policy at the moment. It has been flagged up by Cllrs in north of the Borough. Recommend some best practice measures:</p> <ul style="list-style-type: none"> <li>- Turning down any amplified music / entertainment to background level when at a pier.</li> <li>- Sound limiters to control ultimate sound on boats when in transit to prevent public nuisance.</li> </ul> <p>Unfortunately the PLA’s code of practices don’t appear to have any decent guidance on noise control. <a href="https://www.pla.co.uk/Safety/Regulations-and-Guidance/Codes-of-Practice">https://www.pla.co.uk/Safety/Regulations-and-Guidance/Codes-of-Practice</a></p>	<p>Arch premise are not individually considered as each application is considered on its own merits. Any premises’ proximity to residential addresses may raise concerns, which is dealt with, within the Policy..</p> <p>Again, vessels are considered in a case-by-case basis in the same way that a new premises licence application would be considered. Environmental Protection has enforcement powers in this circumstance.</p> <p>Comment noted.</p>
<p>Cllr Adele Morris - Southwark Liberal Democrat Group</p>	<p>P11 para 12 - please can you ad “ward” after the first 3 wards and take the “s” off “wards” after St George’s</p> <p>P18 bullet point 6 - please can you put an “s” after district</p> <p>P35/36 - my copy has left a large blank space after the third bullet point and starts a new page where it should continue</p> <p>P39 para 157 - where do I find appendix X?</p>	<p>Comments to be actioned (and note: it is Appendix B).</p>

Comments on responses:

- One comment to action.

**Additional comments received (not necessarily through the online consultation)**

Who	Comment	Officer response
<p>Luke Elford – Woodswhur Solicitors on behalf of the Ministry of Sound (x3 online responses also made)</p>	<p>The MoS Group wishes to make the following observations and suggestions in relation to your proposed Statement of Licensing Policy (the “Policy”).</p> <p>The MoS Group considers that:</p> <ol style="list-style-type: none"> <li>1. The Policy should include (and your website should be updated) with clearer and more accurate plans of all of the Cumulative Impact Areas within the borough. Clearer plans are vital so that Applicants and Premises Licence Holders understand whether or not a site is inside or outside a Cumulative Impact Area. At present and historically the plans included within your policies have not achieved this.</li> <li>2. The Policy should make it clear that any evidence underpinning any Cumulative Impact Areas will be properly scrutinised by the Licensing Committee to make sure that any evidential base for a Cumulative Impact Area exists and that the introduction or maintaining of a Cumulative Impact Area is justified and proportionate. Where data appears to be out of date the Policy should make it clear that the Licensing Committee will expect the commissioning of new data before making any decision on whether to introduce or maintain a Cumulative Impact Area.</li> <li>3. The Policy should not require the submission of additional documents alongside Temporary Event Notices. Requiring the submission of additional documents is ultra vires and does not form part of the Temporary Event Notice regime, which is meant to be light touch and permissive. This proposed change</li> </ol>	<p>More detailed maps are available at <a href="https://www.southwark.gov.uk/council-and-democracy/maps-of-southwark/southwark-maps-interactive-maps-service">https://www.southwark.gov.uk/council-and-democracy/maps-of-southwark/southwark-maps-interactive-maps-service</a></p> <p>Additional links within the Policy have also been added for anyone to access more detailed maps, including CIAs and other licensed premises</p> <p>The existing CIAs have been considered as part of this policy review. This has including using the most up-to-date data. The CIAs are to remain unchanged.</p> <p>This consultation response is correct. Paragraph 60 has been amended to reflect this. The Policy should not require the submission of additional documents alongside Temporary Event Notices. Requiring the submission of additional documents is ultra vires. The Licensing Act 2003 makes it clear</p>

	<p>to the Policy should be abandoned.</p> <p>4. The Policy should acknowledge, once and for all, that Premises Licence Holders have limited powers to control the behaviour of customers beyond the boundary of their premises. Licence holders of well-run premises try their best by implementing various processes and policies (which often result in additional expense) but it is important that these limitations are understood by Interested Parties. Instead, emphasis should be placed on the personal responsibility of the individual(s) causing problems and there should be targeted enforcement aimed at dealing with those individual(s). This could and should include the greater use of civil enforcement powers e.g. parking enforcement.</p> <p>5. The Policy should recognise and welcome the Agent of Change Principle and make it clear that where complaints are made from developments post-dating particular licensed premises, that those complaints will be considered at in light of the above. The Policy should encourage greater cohesion between the Licensing and Planning regimes to ensure that existing premises are not forced out of business by ill-conceived residential developments and that developers are forced to notify occupants that they will be living in a development near to licensed premises.</p> <p>6. There should also be an acknowledgement within the Policy that existing premises generate a certain amount of activity,</p>	<p>under s.100(4) that the TEN <i>must</i> be in the prescribed form and doesn't permit "additional documents" to be submitted as part of the TENs process.</p> <p>In many circumstances however, it is useful for Applicants to provide as much information regarding their event as possible in order to assist the Responsible Authorities to make an informed decision. For clarification, the word 'ideally' has been inserted – it is therefore advisory only, to reduce the likelihood of receiving objections from the Responsible Authorities.</p> <p>This is not considered to be a Policy issue regarding the promotion of the licensing objectives.</p> <p>Comments noted, however, the Agent of Change Principal is a planning consideration. Planning remains a Responsible Authority in the application process. In addition, such consideration does not prevent a resident making complaints about any licensed premises. Paragraph 263 has been extended to include reference to the 'Agent of Change' Principal.</p> <p>Southwark as a Borough has many licensed premises side-by-side residential properties. Certain areas are already</p>
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<p>which should act as a baseline in terms of the prevailing character of a particular area. The Policy should make it clear that existing premises will not be expected to curtail their activities or go to greater lengths to adjust their operation to suit proposed developmental changes.</p> <p>7. The Policy should consider giving protected status to key or landmark venues within the borough. Key or landmark venues should be highlighted within the Policy and the Policy should make it clear that those venues, which have contributed to the success of the borough, will be favoured in the context of applications generally. Venues that have made the London Borough of Southwark famous should be rewarded.</p> <p>8. The Policy should help existing Premises Licence Holders who may move location within the borough to maintain the rights and permissions from any existing licences they hold. This, in addition to protected status for key or landmark venues would ensure that the borough holds on to, rather than loses, such venues in the future.</p> <p>9. The Policy should abandon the idea of applying certain hours to certain classes of premises. Such thinking has become outdated. Premises can be multi-faceted and taking the approach of trying to force a premises into a particular category stifles new concepts and discourages operators from taking on sites within the borough. An example of this is competitive socialising venues, which are not bars, nor restaurants, nor clubs, but invariably provide alcohol, food, and entertainment. The Policy should instead focus on the right hours for the undertaking in light of location rather than class of premises.</p> <p>10. The Policy should contain a statement that the Council will not look to overburden premises with paperwork or unnecessary conditions as part of any premises licence granted. Conditions should be appropriate and proportionate to the type and style of premises in question. For example, the requirement to have CCTV should not be treated as mandatory, which at</p>	<p>considered by the CIPs. It should also be acknowledged that residents are not prevented from making complaints if they are affected detrimentally by a premises</p> <p>All applications are considered on their own individual merits. It would be undemocratic to favour particular premises, as it would be to favour particular residents. In addition, 'public nuisance' has no specific definition within the Licensing Act 2003, case law that defines public nuisance would apply.</p> <p>All application are considered on their own merits, however, the history of an existing operator can be taken into account my Members of the Licensing Committee. It should be noted that the SoLP differs in different areas of the Borough, therefore a blanket 'protected status' would be unreasonable.</p> <p>The class of premises is a guideline. Members will consider each application on its own merits and can deviate from policy where the application can be shown not to adversely affect the Licensing Objectives.</p> <p>Comment noted, however, it is already held that conditions should be proportionate and should not replicate other statute. Members are aware that licensing is a permissive regime and would favour conditioning a licence application as an alternative to refusal to promote the Licensing Objectives. With regards to the example, the Police in their role as</p>
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	<p>times it seems that it is. Conditions should not replicate other statutory regimes. The Policy should say that the Council will work towards imposing less rather than more conditions on licences.</p> <p>11. The Policy should acknowledge that well-run venues have minimal to no impact on the Licensing Objectives. Enforcement agencies should be encouraged to work collaboratively with premises and that enforcement activity in relation to well-run premises will be taken with a light touch approach in mind. Enforcement activity should instead be targeted at problem premises or particular issues.</p> <p>12. The Policy should also provide transparency regarding the Late Night Levy and how any monies raised by the Late Night Levy are spent. A section should be inserted into the Policy dealing with this aspect of the Levy. Information should also be given to enable existing Premises Licence Holders to contact the Council and that enforcement activity in relation to well-run premises will be taken with a light touch approach in mind. Enforcement activity should instead be targeted at problem premises or particular issues.</p>	<p>Responsible Authority will be asking for Applicants to only accept conditions that they believe will promote the licensing objectives. Should an Applicant believe that these requests are unreasonable, they are welcome to refer the matter to the Licensing Committee.</p> <p>This is not a requirement of the SoLP. At present, Council Enforcement Officers will always engage with a licence holder before taking action. It is also understood that the Police will react appropriately in response to any situation occurring at any premises. Individual premises cannot be given preferential treatment.</p> <p>The Levy has not been in place for a full year yet. It has been made clear that at least 70% of the income is to contribute towards local policing, by maintaining the Night Time Economy Team. Once the Council has received a full year of income a Board (consisting of representatives from the Police, Council, business and residents) will be established to consider how remaining monies would best be spent. Any outcome will be clearly reported on.</p>
Licensing Authority	<p><b>Drinking up times</b> An Applicant for on sales of alcohol should always consider a reasonable drinking up time. This is the difference between the last sale of alcohol taking place and the closing time of the premises. We would usually expect this to be half an hour, unless there are extenuating circumstances. The closing time, as listed on the licence, means that no members of the public may remain on the premises and no licensable activities can take place. Employees of the premises are permitted to remain after this time for cleaning etc.</p> <p><b>Medium and Large Scale Events</b> Medium events are events with audience capacity numbering between 500 and 2000 at the busiest period. Large events are events with an audience capacity of between 2001 and above at</p>	<p><b>Comment to be actioned.</b></p> <p><b>Comment to be actioned.</b></p>

	<p>its busiest period. This section does not apply where licensable activities are proposed to take place solely within permanent premises that are used solely or regularly for such licensable purposes.</p> <p>These events may be private, commercial, community, charity and non-profit events. They can take place indoors and outdoors, but would usually take place on Southwark-owned land, which may include streets and parks. Separate permissions will be required for the use of the land, see: <a href="https://www.southwark.gov.uk/events-culture-and-heritage/events/planning-an-event/hiring-a-park-or-public-open-space">https://www.southwark.gov.uk/events-culture-and-heritage/events/planning-an-event/hiring-a-park-or-public-open-space</a></p> <p>Organisers of such events are advised to contact the Licensing Team in writing as soon as possible in the planning stages to ascertain the manner in which licensable activities should be authorised. These events can often involve considerable and complex planning; and also require considerable expertise in organising and managing them safely and without disproportionately affecting the community in an adverse manner. This can often require substantial involvement of numerous stakeholders and sometimes statutory bodies to achieve successfully.</p> <p>It is also highly recommended that a large-scale event intended to be a regular or annual event, be applied as a time-limited licence in the first year. Further, conditions under a premises licence should be agreed outside of any additional agreements made with Safety Advisory Groups.</p> <p><b>Any Open Spaces</b> Recommended operational hours for events are 08:00 to 22:00. Otherwise showing that a nuisance would not be caused later at night. This would include Temporary Events Notices.</p> <p><b>Late Night Levy</b> Addition to Para 186:</p>	<p>Comment to be actioned.</p> <p>Comment to be actioned.</p>
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	<p>The following premises are allowed an exemption:</p> <p>a) Premises with overnight accommodation. This exemption does not apply to any premises which serve alcohol to members of the public who are not staying overnight at the premises. A premises offering overnight accommodation supplying alcohol to bona fide residents after midnight, will require a condition on their Operating Schedule enforcing this;</p> <p>b) Theatres and cinemas. This exemption only applies if alcohol is sold during the late night supply period, only for consumption on the premises, to ticket holders, participants in the production or invited guests to private events; they must be bona-fide. A premises supplying alcohol to ticket holders after midnight, will require a condition on their Operating Schedule enforcing this.</p>	
<p>Dick Nye FSR Policy Group Fire Safety Department as a Responsible Authority</p>	<ol style="list-style-type: none"> <li>1. At para 242 you may want to include the following document '<i>Fire Safety Risk Assessment; Means of escape for the disabled</i>' ISBN 9781851128730 available from the following Government website <a href="https://www.gov.uk/government/publications/fire-safety-risk-assessment-means-of-escape-for-disabled-people">https://www.gov.uk/government/publications/fire-safety-risk-assessment-means-of-escape-for-disabled-people</a></li> <li>2. The following documents are no longer available and were replaced in 2008 by BS 9999 (note: The 2019 version of Approved Document B to the Building Regulations no longer references BS 5588).  BS 5588 Part 6 (regarding places of assembly); BS 5588 Part 9 (regarding ventilation and air conditioning systems); BS5588 Part 9 (regarding means of escape for disabled people);</li> <li>3. The advice in para 256 is not considered to be accurate. The safe capacity should be set for a premises by the risk assessor through the fire safety risk assessment. As the enforcing authority for the Fire Safety Order that requires the fire safety risk assessment we will</li> </ol>	<p>Comment to be actioned.</p> <p>Comment to be actioned.</p> <p>Comment to be actioned.</p>



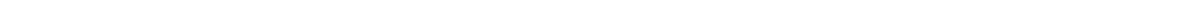
	<p>comment on the assessment but would not assist in determining the safe capacity which is the responsibility of others..</p> <p>4. Page 81 delete the following entry :</p> <p><b><i>The London Fire and Emergency Planning Authority</i></b> <i>Fire Safety Regulation: South East Area 3</i> <i>London Fire Brigade</i> <i>169 Union Street</i> <i>London, SE1 0LL</i> <b><i>E-mail:</i></b> <a href="mailto:FireSafetyRegulationSE@london-fire.gov.uk">FireSafetyRegulationSE@london-fire.gov.uk</a> <i>Telephone number: 020 8555 1200 Extension: 36500</i> <i>Fax Number: 020 8536 5924</i></p> <p>Insert instead:</p> <p>London Fire Commissioner 169 Union Street London SE1 0LL Email: <a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a> Tel. no: 020 8555 12000 x 89170</p>	<p>Comment to be actioned.</p>
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**APPENDIX F**



## **Equalities Impact Assessment**

### **Southwark Statement of Licensing Policy 2021-2026**



**Section 1: Equality analysis details**


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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Consultation on amendments to the Southwark Statement of Licensing Policy, running from 2021 to 2026. As a result of conducting the Equality Analysis the implementation of the SToL Policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are recommended.
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<b>Equality analysis author</b>	Andrew Heron				
<b>Strategic Director:</b>	Caroline Bruce				
<b>Department</b>	Environment and Leisure	<b>Division</b>	Licensing		
<b>Period analysis undertaken</b>	First completed in June 2019 - this has been reassessed in June 2020 and agreed by the Licensing Committee 09 Sept 2020				
<b>Date of review (if applicable)</b>	Sept 2020				
<b>Sign-off</b>	x	<b>Position</b>	x	<b>Date</b>	x

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**Section 2:** Brief description of policy/decision/business plan**1.1 Brief description of policy/decision/business plan**

The Licensing Act 2003 came into effect on 24 November 2005. The Act repealed existing legislation relating to alcohol, entertainment and late night refreshment and introduced a new licensing regime, administered by the local licensing authority.

Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its licensing policy every five years. The initial Southwark Statement of Licensing Policy received formal approval on 8 December 2004. It has been frequently revised and updated since, in order to keep up to date with changes in law, guidance and local policy. Each revision has been developed through public consultation with full regard had to the Act; the secondary regulations made under the Act; and the guidance for local licensing authorities produced, initially by the Secretary of State for the Department of Culture Media and Sport (DCMS), and more recently, by the Home Office.

Most recently, a mid-term revision was approved by the Council Assembly on 27 March 2019, establishing this authority's policy for the period 2019-2021. Full regard has been had in the development of this policy to the Act; secondary regulations; and the current incarnation of the section 182 Guidance, issued by the Home Office in April 2018.

As is noted, revisions to the guidance are issued by the Secretary of State from time to time. When revisions are issued, there may be periods of time where the Southwark policy is inconsistent with the guidance. During such periods this council will have regard, and give appropriate weight, to the revised guidance.

It is important to note that a licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.

Any changes made to the current Licensing Policy must take into account whether or not the 'protected characteristics' of a wide range of people may be adversely affected. The Licensing Authority is confident that it would never deliberately make policy decision that would do this. One of the aims of the consultation has been to identify any groups that may be negatively impacted, whether subjectively or objectively.

**Section 3: Overview of service users and key stakeholders consulted**


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2. Service users and stakeholders	
<b>Key users of the department or service</b>	<ul style="list-style-type: none"> <li>• Premises licence holders</li> <li>• personal licence holders</li> <li>• members of the public</li> </ul>
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>The consultation will be introduced by email and circular letter and sent to:</p> <ul style="list-style-type: none"> <li>• All Premises Licence holders</li> <li>• All Personal Alcohol Licence holders,</li> <li>• Representatives of businesses and residents,</li> <li>• Amenity groups,</li> <li>• Community associations,</li> <li>• Ethnic group associations,</li> <li>• Faith groups,</li> <li>• Traders' associations,</li> <li>• People and parties who responded to previous consultations on the Policy Statement and the Cumulative Impact Policy Areas,</li> <li>• Neighbouring Licensing Authorities,</li> <li>• Responsible Authorities,</li> <li>• Council employees and Members</li> </ul>

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#### Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

<b>Age</b> - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
Any changes to the policy must take into account protected characteristics. There is anecdotal evidence to suggest that younger independent businesses may be run by younger people. The licensing authority looks to encourage the diversity of local businesses, which would include businesses run by younger entrepreneurs.	None
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
n/a	n/a
<b>Mitigating actions to be taken</b>	
No mitigation is necessary.	

<p><b>Disability</b> - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p>	
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>	<p><b>Potential health impacts (positive and negative)</b></p>
<p>No specific impacts have been identified or raised in relation to this. It is acknowledged that businesses should make 'reasonable adjustments' to accommodate people identifying with having a disability.</p>	<p>None identified.</p>
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<p>None</p>	<p>None</p>
<p><b>Mitigating actions to be taken</b></p>	
<p>N/A</p>	

<b>Gender reassignment</b> - The process of transitioning from one gender to another.	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
Changes to the Licensing Policy will not specifically benefit or disadvantage non-binary residents.	None
<b>Equality information on which above analysis is based.</b>	<b>Health data on which above analysis is based</b>
None	N/A
<b>Mitigating actions to be taken</b>	
N/A	
<b>Marriage and civil partnership</b> – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. <b>(Only to be considered in respect to the need to eliminate discrimination.)</b>	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
Any changes to the Licensing Policy will have no particular impact on marital status and does not treat same sex couples or those in civil partnerships less or more favorably than anyone else.	None
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
N/A	N/A
<b>Mitigating actions to be taken</b>	
N/A	



<p><b>Pregnancy and maternity</b> - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.</p>	
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>	<p><b>Potential health impacts (positive and negative)</b></p>
<p>The Licensing Policy must not disadvantage pregnant women or those on maternity leave.</p>	<p>None</p>
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<p>None</p>	<p>N/A</p>
<p><b>Mitigating actions to be taken</b></p>	
<p>N/A</p>	
<p><b>Race</b> - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others</p>	
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>	<p><b>Potential health impacts (positive and negative)</b></p>
<p>The cultural markup of the Borough is wide and varied. The Licensing Authority would want to encourage this diversity. Policy would never be intended to prevent any particular ethnic group from enjoying alcohol, late night refreshment or regulated entertainment.</p> <p>It should however be noted that the Borough is continually changing in terms of regenerating community areas. This has had an effect on local amenities.</p>	<p>Policy changes not intended to restrict any premises from opening, or staying open. There may be cross-overs with Planning and Regeneration that may have to address this risk.</p>
<p><b>Equality information on which above analysis is based</b></p>	<p><b>Health data on which above analysis is based</b></p>
<p>None</p>	<p>N/A</p>
<p><b>Mitigating actions to be taken</b></p>	

N/A
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<b>Religion and belief</b> - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
Policy changes will have no apparent benefit or disadvantage to any particular religion.  It should be noted that places of worship are exempt from licensing restrictions, as long as they are not being used for non-religious, commercial purposes.	None
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
None	N/A
<b>Mitigating actions to be taken</b>	
N/A	
<b>Sex</b> - A man or a woman.	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
Policy changes will have no apparent benefit or disadvantage to any particular sex.	None
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
None	N/A
<b>Mitigating actions to be taken</b>	
N/A	

<b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>	<b>Potential health impacts (positive and negative)</b>
Concerns are ongoing on the impacts that face LGBTIQ+ premises remaining open to provide safe spaces for that community. Significant numbers of premises have closed across London in recent years, yet this is likely to be as a result of commercial redevelopment, rather than a direct intention to reduce the number of such venues. Southwark seeks to protect all such venues.	None – Licensing Policy changes are not intended to prevent any particular group based on LGBTIQ+ self-identification from enjoying alcohol or entertainment at night.
<b>Equality information on which above analysis is based</b>	<b>Health data on which above analysis is based</b>
None	N/A
<b>Mitigating actions to be taken</b>	
N/A	

<p><b>Socio-economic disadvantage</b> – although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough. Socio economic status is the measure of an area's, an individual's or family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.</p>	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
<p>Changes to the Licensing Policy are not intended to benefit or disadvantage people because of their socio-economic status.</p> <p>It is however acknowledged that there is a continuing trend for increases in business rates and rent costs to all premises adding an additional financial burden to some businesses, which is likely passed on to customers.</p>	None
Equality information on which above analysis is based	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	

<p><b>Human Rights</b></p> <p>There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol</p>
<p><b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b></p>
<p>None identified.</p>
<p><b>Information on which above analysis is based</b></p>
<p>N/A</p>
<p><b>Mitigating actions to be taken</b></p>
<p>Adherence to Council Policy and UK law.</p>

**Section 5: Further actions and objectives**

<b>5. Further actions</b>			
<p>Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.</p>			
<b>Number</b>	<b>Description of issue</b>	<b>Action</b>	<b>Timeframe</b>
1	None		

<b>6. Equality &amp; Health objectives</b>				
<p>Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.</p>				
<b>Objective and measure</b>	<b>Lead officer</b>	<b>Current performance (baseline)</b>	<b>Targets</b>	
			<b>Year 1</b>	<b>Year 2</b>

<b>Item No:</b> 6.3	<b>Classification:</b> Open	<b>Date:</b> 25 November 2020	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Treasury Management – Mid-year Update 2020-21	
<b>Wards or Groups affected:</b>		All	
<b>From:</b>		Strategic Director of Finance and Governance	

## RECOMMENDATION

1. That council assembly note the 2020-21 mid-year treasury management update report and that:
  - all treasury management activity was undertaken in compliance with the approved treasury management strategy and within the council’s prudential indicators, as Appendix A
  - the balance outstanding on all external debt as at 30 September 2020 was £809m.
  - in the six months to 30 September 2020 the average investment balance was £180m and the balance of investments at 30 September 2020 stood at £188m.

## BACKGROUND INFORMATION

2. In compliance with the Local Government Act 2003, the council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice (the Code). The Code requires local authorities to determine an annual treasury management strategy and, as a minimum, formally report on their treasury activities and arrangements to Council Assembly mid-year and after the year-end.
3. The Code provides the following objective with regard to treasury management:
 

*“It is important that treasury management policies adequately reflect risk and in particular security, liquidity and yield, in that order of importance. No treasury management transaction is without risk and management of risks is the key purpose of the treasury management strategy.”*
4. The 2020-21 treasury management strategy was approved by Council Assembly in February 2020. Under financial delegation, all executive, managerial and operational decisions are the responsibility of the strategic director of finance and governance.

5. The council is exposed to financial risks from its investments, existing external debt, as well as future borrowing requirements arising from the council's capital programme. The risks include potential losses from investments and increased borrowing costs from changing interest rates. The successful identification, monitoring and control of risk remain central to the Authority's treasury management strategy.
6. This mid-year Treasury Management Report covers the treasury management activity and compliance with the treasury management strategy for the period from April to September 2020.
7. The spread of the coronavirus pandemic dominated during the period as countries around the world tried to manage the delicate balancing act of containing transmission of the virus while easing lockdown measures and getting their economies working again. The economic situation together with the financial market conditions prevailing throughout the period continued to provide challenges for treasury management.
8. The key issues covered in this report are:
  - The council's borrowing strategy and debt management position
  - Investment performance and activity
  - Prudential indicators for 2020-21

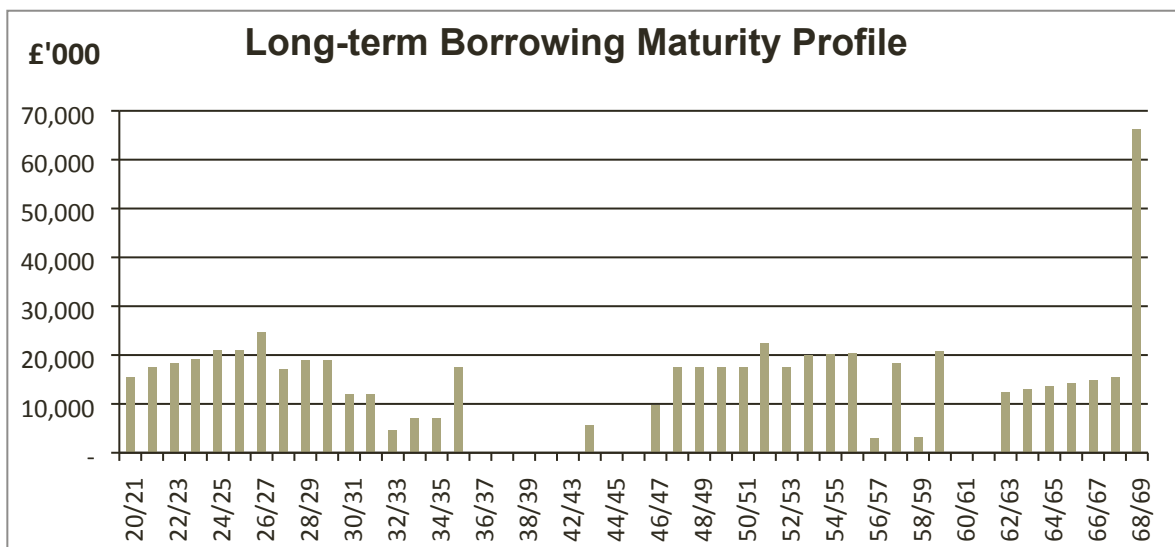
## **KEY ISSUES FOR CONSIDERATION**

### **Borrowing strategy and debt management activity and position**

9. The council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required.
10. The council's debt management strategy is to pursue a policy of internal borrowing, which is the use of existing reserves and balances to temporarily fund capital expenditure, where possible, rather than the use of external borrowing.
11. The use of internal borrowing allows the council to minimise unnecessary external borrowing costs by only borrowing when needed for liquidity, or to benefit from advantageous borrowing rates. Efficient use of existing council resources to fund capital expenditure through internal borrowing also reduces the council's counterparty risk inherent in the investment of cash balances.
12. The council's outstanding long-term debt portfolio, used to fund historical capital expenditure, stood at £630m as at 30 September 2020. All long term outstanding debt was borrowed from the Public Works Loans Board (PWLB), part of HM Treasury, at fixed rates of interest.
13. During the first half of 2020-21, £2.5m of long debt principal matured and was repaid to the PWLB and no new PWLB loans were taken.



14. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, or to borrow short-term loans. By doing so, the Authority is able to reduce net borrowing costs and reduce overall treasury risk.
15. This policy has continued during 2020-21. The balance of short term borrowing at 30 September 2020 was £172m with a weighted average rate of interest on short term borrowing of 0.68%, significantly less than long term rates of borrowing. All short term borrowing was via other local authorities which are typically at lower rates than from other sources for short duration debt.
16. The benefits of internal/short-term borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise modestly. This will help inform decisions on whether the council borrows additional sums at long-term fixed rates with a view to keeping future interest costs low, even if this causes additional cost in the short-term.
17. In July 2020 the council borrowed £7m from the Mayor of London's Energy Efficiency Fund (MEEF). The MEEF gets funding from the European Regional Development Fund and other partner banks to fund developments within London councils and other public sector bodies that will result in reduction in carbon emissions. The rates are therefore more favourable than comparable PWLB rates.
18. The weighted average rate of interest for the council's debt portfolio is 3.8% at 30 September 2020 (3.6% at 31 March 2020).
19. The maturity profile of outstanding long term borrowing as at 30 September 2020 is shown in the chart below:



**Investment strategy and investment activity and position**

20. The council holds sizable investment balances, representing income received in advance of expenditure plus balances and reserves held. Investments as at 30 September 2020 were £188m (£133m at 31 March 2020).
21. Council resources that are not immediately required for current expenditure are invested in money market instruments in accordance with the MHCLG Guidance on Local Authority Investments and the approved investment strategy. The MHCLG guidance gives priority to security and liquidity and the council's aim is to achieve a yield commensurate with these principles.
22. Council investments are managed both in-house and delegated to two fund managers: Alliance Bernstein and Aberdeen Standard (formerly Aberdeen Asset Management). The focus for in-house investment is to meet variable near term cash liquidity requirements, principally using money market funds (MMFs).
23. Any surplus cash resources not required in the short term to fund council activities is placed with the council's two external fund managers. The fund managers invest for a longer term in UK government gilts, supranational bank bonds, certificates of deposits issued by major banks/building societies and other financial instruments.
24. The use of fund managers has the advantage of diversification of investment risk, coupled with the services of professional fund managers, which over the longer-term, provides enhanced returns within the council's risk appetite. Although investments can be redeemed from the fund managers at short notice, the intention is to hold them for the medium term. Their performance and suitability in meeting the council's investment objectives are regularly monitored.
25. The distribution of council investments across counterparties by rating and maturity as at 30 September 2020 is set out in the table below:

Investment Maturity	A		AA		AAA		Total	
	£m	%	£m	%	£m	%	£m	%
Up to 1 Year	25.9	24	37.9	36	6.6	6	70.4	66
1 - 2 Years	3.8	4	5.2	5	10.3	10	19.3	19
2 - 5 Years		-	2.1	2	13.9	13	16	15
<b>Total</b>	<b>29.7</b>	<b>28</b>	<b>45.2</b>	<b>43</b>	<b>30.9</b>	<b>29</b>	<b>105.7</b>	<b>100</b>

26. The annualised rate of return for council treasury management assets for the first half of 2020-21 financial year was 0.7%.
27. To assess the treasury management portfolio performance, the council measures the return against a composite investment benchmark of three

month LIBID and one to three year gilt index. For the equivalent period of the financial year the benchmark index annualised return was 0.6%.

28. The priorities for treasury management investment are, in order of priority, security, liquidity, and yield. The objective therefore is to ensure that funds are available to meet council liabilities as they fall due. The rate of investment return generated by the treasury management portfolio is therefore a consequence of the council's prudent, low risk approach to treasury management investing. This is in line with the requirements of the statutory guidance for local government treasury investment issued by MHCLG.
29. The COVID-19 pandemic has increased the risk that the Bank of England will set its Bank Rate at or below zero, which is likely to feed through to negative interest rates on all low risk, short-term investment options.
30. The investment activity during the period conformed to the approved strategy and the cash flow was successfully managed to maintain liquidity.

#### **Prudential Indicators - Actuals**

31. Local authority borrowing, investment and capital finance activity is supported by the Prudential Code for Capital Finance, the Treasury Management in the Public Services Code of Practice and related guidance published by CIPFA.
32. The codes require councils to set a series of indicators and limits each year. The 2020-21 indicators were agreed in February 2020, before the start of the financial year and enable the strategic director of finance and governance to carry out his responsibilities in this area. The prudential indicator estimates for 2020-21 are included at Appendix A.
33. The council has complied with its Prudential Indicators throughout 2020-21.

### **SUPPLEMENTAL ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

34. The constitution determines that agreeing the treasury management strategy is a function of the council assembly and that review and scrutiny of strategies and policies is the responsibility of the audit, governance and standards committee.
35. Financial standing orders require the strategic director of finance and governance to set out the treasury management strategy for consideration and decision by council assembly, and report on activity on a regular basis to cabinet and at mid and year-end to council assembly. Furthermore all executive and operational decisions are delegated to the strategic director of finance and governance.

36. The Local Government Act 2003 (“the 2003 Act”) and supporting regulations require local authorities to determine annual borrowing limits and have regard to the Prudential Code for Capital Finance, and the Treasury Management in the Public Services Code of Practice and Guidance, published by the Chartered Institute of Public Finance and Accountancy, when considering borrowing and investment strategies, determining or changing borrowing limits or prudential indicators.
37. Section 15(1) of the 2003 Act requires a local authority “to have regard (a) to such guidance as the Secretary of State may issue”. This guidance is found in the Ministry of Housing, Communities and Local Government Guidance on Local Authority Investments updated February 2018 and there is statutory guidance on the Minimum Revenue Provision (MRP) made under section 21(1A) of the 2003 Act.
38. Section 12 of the 2003 Act grants local authorities the powers to invest for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs.

## BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
None		

## APPENDICES

No.	Title
Appendix A	Prudential Indicators – 2020-21 Actuals & Estimates

## AUDIT TRAIL

<b>Lead Officer</b>	Duncan Whitfield, Strategic Director of Finance and Governance	
<b>Report Author</b>	Rob Woollatt, Interim Departmental Finance Manager	
<b>Version</b>	Final	
<b>Dated</b>	12 November 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comment included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	N/A
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	12 November 2020	

## APPENDIX A

## PRUDENTIAL INDICATORS: 2020-21 ACTUALS AND ESTIMATES

## BACKGROUND

1. Capital finance, borrowing and investment arrangements are supported by a series of prudential indicators, drawn from the Prudential Code on Capital Finance for Local Authorities and the Treasury Management in the Public Services Code of Practice plus Guidance, published by CIPFA. The Local Government Act 2003 requires that councils have regard to these codes. The indicators were approved by Council Assembly in February 2020, and the 2019-20 outturn position was reported in July 2020. This appendix updates 2020-21 indicators.
2. The indicators are grouped into three broad areas: affordability and prudence, capital finance and treasury management. The indicators are of a technical nature and existing budgets take account of capital finance and treasury activities.

## INDICATORS ON AFFORDABILITY AND PRUDENCE

2019-20 Outturn	2020-21 Estimate	
		<b>Ratio of Financing Cost to Net Revenue Stream</b> A measure of the cost of borrowing and long term liabilities net of interest income and set-asides, as a
8%	10%	HRA
4%	5%	General fund

		<b>Capital Financing Requirements (CFR) and Gross Debt</b> The CFR is the balance remaining on past capital expenditure financed through debt and long term liabilities. The level of gross debt should not exceed the CFR unless prudent over the short term. Actual gross
£1,084m	£1,255m	CFR
£810m	£902m	Maximum Gross Debt in the Year

## INDICATORS ON CAPITAL FINANCE

2019-20 Outturn	2020-21 Estimate	
		<b>Capital Expenditure</b>
£168m	£223m	HRA
£233m	£179m	General fund
<b>£401m</b>	<b>£402m</b>	<b>Total</b>

		<b>Capital Financing Requirement (CFR)</b> The CFR is the balance on past capital expenditure financed through borrowing and long term liabilities
£462m	£522m	HRA
£622m	£733m	General fund
<b>£1,084m</b>	<b>£1,255m</b>	<b>Total</b>

### INDICATORS ON TREASURY MANAGEMENT

#### Operational Boundary and Authorised Limit for External Debt:

These are limits the council determines to accommodate borrowing and long term liabilities. The lower limit is the operational boundary and takes account of existing positions and ordinary activity and the higher limit is the authorised limit, enabling additional borrowing to be taken for very short periods, in the interest of prudence, within a risk controlled framework.

2019-20 Outturn	2020-21 Limit	2020-21 Estimate	Operational Boundary
£810m	£1,336m	£952m	Borrowing (maximum outstanding in year)
£91m	£90m	£90m	Other Long Term Liabilities
<b>£901m</b>	<b>£1,426m</b>	<b>£1,136m</b>	<b>Total</b>

			Authorised Limit
£810m	£1,637m	£1,637m	Borrowing (maximum outstanding in year)
£91m	£126m	£126m	Other Long Term Liabilities
<b>£901m</b>	<b>£1,763m</b>	<b>£1,763m</b>	<b>Total</b>

2019-20 Outturn	2020-21 Limit	2020-21 Estimate	
84%	100%	84%	<b>Gross and Net Debt</b> An upper limit on net debt as a percentage of gross debt. The net debt has remained below gross on account of investments held to meet spend.
			<b>Fixed and Variable Rate Upper Limits</b> Limits recognising existing positions with flexibility to vary exposure within a risk
100%	100%	100%	Fixed rate debt
0%	20%	1%	Variable rate debt

			<b>Maturity Structure of Borrowing</b> Limits accommodating existing positions with flexibility to vary exposure within a risk
23%	35%	23%	Under 1 year
2%	35%	2%	1 year and within 2 years
10%	50%	6%	2 years and within 5 years
17%	75%	9%	5 years and within 10 years
48%	100%	60%	10 years and over

			<b>Limits on Investments Greater than One Year</b> Caps on the maximum exposure to longer investments, while recognising benefits from prudent exposure within a risk controlled framework.
37%	65%	40%	Percentage longer than one year
4 months	30 months	6 months	Overall maximum average maturity

**COUNCIL ASSEMBLY AGENDA DISTRIBUTION LIST (OPEN) (FULL LIST)  
MUNICIPAL YEAR 2020/21**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
Virginia Wynn-Jones Tel: 020 7525 7055

<b>ONE COPY TO ALL UNLESS OTHERWISE STATED</b>	Copies	To	Copies
<p><b>Councillors</b> (1 each) Councillor Jasmine Ali Councillor Radha Burgess Councillor Sunil Chopra Councillor Nick Dolezal Councillor Tom Flynn Councillor Renata Hamvas Councillor Peter John Councillor Lorraine Lauder Councillor Maria Linforth-Hall Councillor Eliza Mann Councillor Darren Merrill Councillor David Noakes Councillor Damian O'Brien Councillor Leo Pollak Councillor Sandra Rhule Councillor Martin Seaton Councillor Andy Simmons Councillor Cleo Soanes Councillor Kath Whittam</p> <p><b>Electronic Versions (No hard copy)</b> All other councillors</p>	<p><b>19</b></p>	<p><b>Press</b></p> <p>Southwark News South London Press</p> <p><b>Group Offices</b></p> <p>Aine Gallagher, Labour Group Office Paul Wendt/Tamsin Hewett, Liberal Democrat Group Office</p> <p><b>Officers</b></p> <p>Eleanor Kelly Duncan Whitfield Doreen Forrester-Brown Chidilim Agada Caroline Bruce David Quirke-Thornton Michael Scorer Jin Lim</p> <p><b>Constitutional Team</b></p> <p>(Copies to Virginia Wynn-Jones, 2<sup>nd</sup> Floor, Hub 2, Tooley Street)</p> <p><b>Others</b></p> <p>Matt Dean, Grant Thornton Ground floor audit office, Tooley Street</p> <p><b>Total:</b></p> <p><b>Last updated:</b> October 2020</p>	<p>by email by email</p> <p>by email by email</p> <p>by email by email by email by email by email by email</p> <p>by email</p> <p>by email</p> <p><b>19</b></p>