

## APPENDIX C

### Comments on the amendments and officer responses

Type of person	If other, please state	Do you have any other comments or suggestions about the proposed changes to our licensing policy? - Comments	Officer comments
A member of the public	Resident	The Saturation Area is not observed by Southwark as it is by Camden, for example. I can speak for around 100 residents here in saying that our residential amenity is already severely impacted by a saturation of licensed premises. The licensees profit from selling alcohol, but we pay the price in vomit, screaming and shouting and other antisocial behaviour. The noise team does not respond to transient street noise so we are utterly unprotected. We can only rely on Southwark Licensing to help us.	The cumulative impact areas (CIA), or saturation zone, does not take effect when an application is made unless a representation is made within the 28 day consultation period that makes reference that the applicant has not addressed the presumption that the proposed operation of the premises will add to crime, disorder and nuisance in the CIA. This is explained in Section Six of the policy Local Cumulative Impact Policies.
A member of the public		As residents in Bankside, where there are very many public houses nearby, we are Strongly supportive of measures to control and limit noise nuisance and all anti-social behaviour consequent on alcohol consumption. xxxxxxxxxxxx	
A member of the public	Resident	The licensees profit from the licences granted around Bankside while we the residents pay in diminished amenity for the noisy drinkers and post-drinkers in the street, especially late at night. This is devastating for my children . We are unprotected by the Noise Team because transient street noise is a lacuna in the rules, so we must rely on Southwark Licensing to protect our residential amenity.	Noise in the street can be cited on a representation to a licence application to promote the licensing objective for preventing public nuisance in both a CIA and areas where there is no CIA.
A member of the public		As a 20 year resident of an area of Southwark where there is a large night-time economy, I fully support the measures you are introducing here to ensure that resident's needs for quiet enjoyment are more fully considered. I feel that over the last 5 years or so, the needs of residents in my area have been slightly overlooked in favour of developers, and I welcome proposals to consider how newly licensed premises might impact residents lives in particular. I'd like to see an earlier engagement with residents from the council, as we often hear about licensing proposals by chance or at the last moment , and we do feel like David fighting Goliath in relation to any objections we might make. Early notification would	The consultation is undertaken by the applicant themselves and starts on the day after the application is received, the Council advertises the application on their website on the online licensing register at the same time and sends emails to the persons who have signed up to the “email alert” scheme for a specified Ward. It is not possible to be able to engage with members of the public any earlier.  The “email alert” scheme is outlined in the policy at paragraph 78.

		<p>help us research applications and present better argued positions, which should help the licensing committees make better informed decisions.</p> <p>I can confirm that I've had personal experience of appearing before a licensing subcommittee, and overall it was very positive. I felt well-supported and listened to, and was happy with the outcome. In my opinion, if residents could be given more input earlier during licensing application processes, the outcomes would be better received by local communities.</p>	
A member of the public		We would like you to consider noise to people who live in the area.	Section Ten of the Policy details the measures applicants are expected to consider to address the prevention of public nuisance.
A member of the public		No Comments made	
A member of the public	Resident	I wish we local residents could have been consulted sooner on many of these issues. Living in and around the Borough Market area for the last 12 or so years, I have seen the residential amenity be consistently eroded in favour of the development of the night-time economy. The tightening of the licensing application protocol and the tighter regulations you suggest are very welcome. I am sick and tired of witnessing extreme drunkenness on the streets where I live, and the consequential disturbances implicit in such behaviour.	Section Seven of the policy includes the Borough and Bankside CIA which covers Borough Market was first consulted on in 2009 and established in November 2009.
A member of the public		These steps are long overdue	
A member of the public	Resident	Not at the moment. Just moving into the area	
A member of the public		As a resident, your proposed changes will be gratefully received.	
A licensed business with a licence		<p>Hello,</p> <p>We, xxxxxxxxxxxxxxxx, are aware of the current increase in activity in our area, especially our own street (Enid Street). The first two premise licenses on our street were granted to us (5 years ago and last year respectively), and three more joined this year. We want to deal with the increased flow of people to the area in a safe way,</p>	An indicial traders meeting with premises operatives from arches in Druid Street has been initiated and may be extended to arches on the other side of the railway including Enid Street.

	<p>following the licensing objectives, and have been doing all we can to follow the rules and conditions in our premise license.</p> <p>Regarding question 5, CIP, we would like to do this working together with the council and other premises in the street/area. E.g., we all have the same security company who are communicating with each other about rather difficult punters etc.</p> <p>What we are frustrated about is that the new premises have received a much more lax premise license than ours, we are the only premise on the street not allowed punters outside (following a hearing before the premise license was given last year). Of course we agree and oblige, but it feels unfair, especially since we know other premises are actively breaking their license by having the whole street full of their punters.</p> <p>This brings us to question 7. It could be difficult to enforce an outside and an inside area in our brewery taprooms, taking a lot of energy from the doormen which could be used to spot situations otherwise. On top of that, especially on warmer days, people who are refused entry outside could get more difficult to handle, which could possibly lead to angry customers. We experience this sometimes with our second premise, where we are not allowed to have anyone drinking outside. People look around and mention the other bars next door, where people are allowed outside. They can become angry because they just bought a drink and we have to refuse them entry to our outside area. It's not an easy problem, we would love to work with the council to ensure the days when people visit us (especially busy Saturdays) are done in a way that all licensing objectives are met the best way possible.</p> <p>We would love to have a chat about this some time. I have been working on a full variation of the premise license to include this. However, we prefer to do this together with everyone else in the street and the council to come up with ideas that work the best while keeping it fair to every business and resident on the street.</p>	<p>Each premises licence application is considered on it's own merits and in conjunction with any relevant representations made to the application. This can lead to some inconstant terms and conditions on the granted licence when compared to similar premises.</p>
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A member of the public	Resident	<p>The main thing is that you create clear rules, that balance the needs of residents (people who are day-in-and-day-out affected by places that the public only visit) with needs of businesses/the public. And then to enforce the rules when they are not complied with. Businesses can too easily be tempted to 'try it on' and wait for authorities to do something about it. Which is a shame. But that's the nature of things. Thanks for strengthening the rules.</p>	
A member of the public		<p>Recommended issues to be considered in review and/or granting of any licences.</p> <ol style="list-style-type: none"> <li>1. Pollution from more rubbish and waste: Limit pollution by ensuring appropriate and adequate rubbish storage and removal in place given increase in commercial activities</li> <li>2. Planning conditions: Acknowledgement and adherence of previous planning conditions imposed irrespective of previous licence approvals</li> <li>3. Limitation of licensable activities to be limited to 10pm given clean-up , lock-up and departure from premises takes at least 1 hour after licencing activities stop</li> <li>4. Rights of residents in neighbourhood to demand cancellation of licence immediately if any conditions in licence broken (with proof)</li> <li>5. No potential increase in pollution</li> <li>6. Noise pollution: Premises should be locked down with no humans allowed at licenced premises after midnight to ensure peace and quite and neighbours right to rest.</li> <li>7. Limitation of deliveries (number and truck sizes) per week to premises in residential neighbourhood to alleviate traffic congestion, noise and air-pollution that primarily negatively impact development of children and cause respiratory problems such asthma etc</li> <li>8. Adherence to previous conditions / limitations imposed in</li> </ol>	<ol style="list-style-type: none"> <li>1. Premises are required to have adequate refuse storage and trade waste removal agreements under alternative legislation.</li> <li>2. The Planning and Licensing are different regimes with different criteria, planning conditions do not have to be acknowledged or repeated as licensing conditions. The relationship between planning and licensing is addressed in the policy at paragraphs 104 to 111.</li> <li>3. The recommended closing times for premises are in Section Seven of the Policy. The policy needs to strike a balance between the needs of the business and promoting the licensing objectives to protect residents from issues that may arise from the operation of the business. We believe that the current recommended closing times reflect that balance for different areas of the Borough.</li> <li>4. There is a statutory process to review premises licence, guidance is available on the Councils website.</li> <li>5. Pollution is not one of the licensing objectives as there is separate legislation to address this issue.</li> <li>6. See 3.</li> <li>7. There is alternative legislation to address noisy deliveries at unreasonable times.</li> <li>8. Council officers and the Police visit premises to check on compliance with conditions on a risk based approach.</li> </ol>

		granting any new licences at the premises. 9. Considerations in any licence application to the cumulative effect on intensification of commercial use in a residential area.	Resident complaints regarding specific premises are given a high priority. 9. CIPs operate in areas of the borough which have evidence of high crime and disorder and nuisance. If valid representations are received to a licence application regarding cumulative impact this will be considered at the licensing hearing.
A member of the public		No Comments made	
A member of the public		Living in Bankside, we are saturated with pubs and restaurants: the resulting anti-social activity, noise and other alcohol related behaviour is a constant nuisance, particularly on Thursday, Friday and Saturday nights.	A CIA is in operation in Borough and Bankside, residents can make representation to any new or variation application for a premises licence within the consultation period and state their concerns regarding cumulative impact should the application be granted.
A member of the public		No Comments made	
A member of the public		maintaining a publically viewable log of licensing policy breaches	There is currently no intention to publish a log of enforcement actions with regards to licensing premises.
A member of the public	Resident	Greater consideration should be given to areas where there is a saturation of licenses.  Licensees should be responsible for stewarding thier customers away from residential areas.  special considerations should be given to community groups and community events - especially where there is mass support from residents	CIA's exist in three areas of the Borough, details can be found in section 6 of the policy.  Licence holders are responsible for ensuring that their customers leave their premises in a quiet and orderly manner, residents can apply to review their premises licence where they are experiencing problems.  Community groups and community events have no special status when making applications under the Licensing Act, however Licensing Officers will assist organisers In understanding the forms and licensing process when requested.
A member of the public	Resident	The CIP policy is particularly important to residents as areas such as Bankside become more mixed, making them attractive especially to tourists, who do not realise that these are residential areas and late night noise and other ASB, notably urination in the streets, gardens, doorways etc is not acceptable.	

A member of the public	Chair of STAMP (Shad Thames Area Management Partnership)	I would like to see it made even clearer that Shad Thames is primarily a residential area, not a "town centre" and that a late-night economy is wholly inappropriate. You had made an amendment at item 169 referring to Shad Thames but its impact is limited to licensing hours.	The draft policy makes it clear in paragraph 169 that Shad Thames is not designated as a town centre but is a strategic cultural area and in paragraph 170 that it is recognised that these areas, although of mixed use, have a high residential usage the later hours will only be considered for premises that intended to enhance the provision of arts, culture and tourism in the area.
A member of the public	Resident	Any changes which will protect residents from late night noise and anti social behaviour are welcome.	
A licensed business with a licence		No	
A licensed business with a licence		<p>Consistency for existing licenses. It's very difficult for patrons to know what is acceptable in one premises vs another, when for example you can have open take-away drinks and unlimited people outside one vs stricter conditions at another in premises next to each other.</p> <p>This does not mean the strictest rules to every premises. Many of threats to the licensing objectives are concentrated when only one business holds more relaxed conditions. If more had the same conditions it would avoid hotspots of noise whilst preserving the business, including the work economic benefits of having venues open.</p> <p>As a whole in the area around our business, antisocial behaviour appear to have gone down as the area has developed into a more retail destination with less of a gang and hooligan presence. Noise is now associated with licensed premises rather than kids on the streets throwing stones and breaking things.</p>	<p>Each premises licence application is considered on it's own merits and in conjunction with any relevant representations made. This can lead to inconstant terms and conditions on the granted licence.</p> <p>Additionally effect of cumulative impact in popular licensed areas escalates over time as new premises licences are applied for which can also lead to differing conditions and hours between recent new applications and premises that have held a licence for a number of years.</p> <p>Cumulative impact assessments will be undertaken every three years and any changes to antisocial behaviour statistics will be considered in that assessment.</p>
A member of the public		Entrance Doors/Shutters; For me the other issue increasing noise is doors of premises being completely open until 10pm. If they were closed this would limit noise escaping from the venue and improve residents experience. Having both drinkers outside and being able to hear drinkers inside further impacts disturbance, particularly when the premises play loud music.	<p>The policy makes suggestions in Section Ten for applicants to implement in their operating schedule regarding the prevention of public nuisance.</p> <p>Where premises have failed to address the licensing objectives in their application residents and responsible</p>

		I would add that it's important for both bar and security staff at premises to understand the licensing conditions so that they can better control customers who breach them, without residents having to intervene directly - I know this isn't outlined in the policy but believe it would increase harmony between residents and businesses in the long run.	authorities such as the Police and the Environmental Protection Team can make representation to include conditions such as keeping doors and windows closed and terminal hours for outside area and for staff to be trained on the implementation of the conditions.
A member of the public		No Comments made	
A licensed business with a licence		No Comments made	
A member of the public	Work in area	I have just signed up for email alerts for current and future licensing applications as I live in the Holly Grove Conservation area and back directly on the Rye Lane (and its conservation area). We have recently been battling against an all-day to late evening (up to 1.00 am) drinking bar and garden, which back directly onto our tranquil communal garden and it is a matter of half a meter from bedrooms. The license has been granted. There are also residential properties above and beside the proposed bar. This all comes about because local residents did not spot the licensing notice so did not object to the application until too late. It would be brilliant if Southwark could introduce the requirement for consultation letters/emails being sent out when new licensing applications are pending. This would remove a lot of stress and time wasting for both applicants and residents by preventing licenses being awarded in inappropriate locations. Many thanks, XXXXXX XXXXXX	<p>Consultation letters are not a requirement under the Consultations under the Licensing Act are statutory and carried out primarily by the applicant, this does not include consultation letters to be sent out.</p> <p>Southwark addressed this issue by the introduction of the "email alert" scheme that residents and nuisances can sign up to. The scheme is outlined in the policy at paragraph 78.</p>
A licensed business with a licence		No	
A member of the public	Resident	The regulations assume that licensed premises covered by the legislation are on land but this is not the case where individual vessels operating on the Thames are licensed, such as those	58 This section deals with the area of the premises to be used for the consumption of alcohol not the disposal of waste. The disposal of waste can be addressed within alternative

	<p>operated by City Cruises. As a result, although each vessel operates independently, the activities of loading and cleaning which take place at Cherry Garden Pier, their permanent place of mooring, effectively makes that a dense concentration of licensed premises. The new proposals should reflect this anomaly in the wording of the regulations in various places including at least the following paragraphs.</p> <p>58 : Add "This includes patio or garden areas, external public areas such as the street and any temporary structures such as marquees or smoking shelters. IT ALSO INCLUDES ANY OTHER SPACE THAT IS FUNCTIONALLY LINKED TO THE OPERATION OF LICENSED PREMISES, SUCH AS THOSE SPACES RELATING TO STORAGE AND WASTE DISPOSAL WHERE THOSE SPACES ARE PHYSICALLY SEPARATE FROM THE LICENSED PREMISES"</p> <p>The problem with the current wording is that although boats are licensed, the disposal of waste arising from their operations takes place elsewhere on land. As a result, clearing waste continues long after the end of the licensing hour creating nuisance to a large number of residents in the immediate vicinity of Cherry Garden Pier.</p> <p>61: Add 'ONLY UNDER EXCEPTIONAL CIRCUMSTANCES WILL A LATE TENS BE GRANTED. A LATE TENS WILL NOT BE GRANTED WHERE IT WOULD RESULT IN MORE THAN ONE LICENSED PREMISES OPERATING FROM THE SAME PLACE. '</p> <p>Again, because individual vessels are licensed, it is possible for operators to apply for late TENS for each one separately. Because they moor up at the same place, this could result in a large number of separate TENS being granted with cumulative impact in the immediate vicinity of the mooring place.</p> <p>97. Add " A REVIEW CAN ALSO TAKE PLACE IF EACH INDIVIDUAL LICENSED PREMISES IS OPERATED BY THE SAME OPERATOR</p>	<p>legislation for both licensed and unlicensed premises.</p> <p>61 A late temporary event notice (TEN) will be automatically served with a counter notice if the Police or Environmental Protection Team make an objection to that TEN, an unopposed TEN will be allowed to go ahead.</p> <p>TENS on different vessels cannot be considered as part of the same event.</p> <p>97 Under the Act more than one premises licence can be reviewed at the same time with separate applications, however one review for a number of vessels using the same birth cannot be submitted.</p> <p>Section Six each CIP area is considered individually against the evidence collated to include the types of premises that the CIP applies to. The types of premises included in the three CIP areas differ but none currently include vessels.</p> <p>126 The additional wording suggested is not the case, vessels rarely use their licences while birthed at the pier and patrons do not disembark at this location, CIPs therefore are not an appropriate tool to deal with noise and disturbance from a commercial premises that births boats and alternative nuisance legislation is available to the Council and residents to deal with these issues.</p> <p>168 Residents can make representation on new/variation premises applications on the grounds that they exceed the recommended hours.</p> <p>236 already includes the following:</p> <ul style="list-style-type: none"> <li>• Arranging clear up operations conducted by staff so they do not cause a nuisance and controlling staff departures</li> <li>• Restricting delivery and collection times (waste, equipment</li> </ul>
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	<p>AND/OR LICENSEE AND OPERATES FROM THE SAME LOCATION."</p> <p>This addresses the issue of being able to request a collective review of licensed vessels that operate as part of the same business and at the same location. It addresses the anomaly of water based licenses identified above and also below.</p> <p>SECTION 6: Local Cumulative Impact Policies The anomaly of water based operations is highlighted in this section. Similar issues relating to saturation arise where licensed vessels operate from one place of mooring; i.e. concentration of litter, fouling of the environment, public nuisance arising from noise and light pollution. I suggest that the definition of a cumulative impact area should be widened to reflect this pattern of activity.</p> <p>126: Add "THIS INCLUDES THE PERMANENT LOCATION OF MOBILE LICENSED PREMISES SUCH AS PIERS OR OTHER PLACES FROM WHICH LICENSED VESSELS OPERATE"</p> <p>168: I strongly support the recommendation that vessels should not be licensed beyond 23.00</p> <p>236: Add "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). THIS ALSO INCLUDES EXTERNAL AREAS THAT ARE FUNCTIONALLY LINKED BUT NOT PHYSICALLY PART OF THE LICENSED PREMISES, SUCH AS STORAGE AREAS AND LOADING BAYS.</p> <p>The reason for this is that in the case of licensed vessels, the nuisance often arises not because of activities on the boat itself but by all the ancillary services necessary for its operation, such as loading, unloading, waste disposal etc. Licensing conditions should</p>	<p>and consumables) to between 08.00 and 20.00 hours However enforcement of these conditions will not apply if they are associated to unlicensed activities.</p> <p>243 The policy makes suggestions for consideration by the applicant and persons who may wish to make representation to an application.</p> <p>The policy does not make requirements or prohibits activities. Mandatory conditions are set by the Government not the Licensing Authority.</p>
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		<p>treat these functional areas as part of the licensed premises for the purposes of controlling nuisance.</p> <p>243. While this paragraph contains a recommendation regarding the use of external areas after 22.00, I would like to see this strengthened with the following sentence:</p> <p>"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 22.00 and 0800 AND IT IS A REQUIREMENT THAT IT IS PROHIBITED BETWEEN THOSE TIMES WHERE THE LICENSED PREMISES ARE LOCATED WITHIN 100 METRES OF A RESIDENTIAL PROPERTY'</p>	
A member of the public		<p>I live at XXX XXXXXXXX XXXXX. I fully appreciate the need to balance the needs of residents with those of businesses, but it seems to be in favour of City Cruises at the moment. In particular, the noise from the boats and for a long period after a boat party has finished disrupts sleep late at night. I think the licensing regime should extend to these boats and ensure a 10pm finish at the latest. I have a young family and am also worried about the pollution from trucks doing deliveries and rubbish. Any licensing regime should take this into account and seek the views of the local residents.</p>	<p>The policy for vessels is that they finish their licensed activities by 23:00 hours. These hours are recommendations and residents can make representation to applications for an earlier closing times than 23:00 hours, equally applicants can apply for a closing time that exceeds 23:00 hours.</p> <p>Pollution from delivery trucks using the road systems is not a consideration under the Licensing Act, this can be addressed to the Highways section.</p>
A member of the public		<p>Please could you consider the City Cruises pier at Bermondsey Wall East SE16?</p> <p>Residents on the riverfront have problems because City Cruises own so many boats. Applications for licensing are made separately one-by-one for each boat, but because the boats are all moored in the same place, there is a cumulative effect on the area. Problems accumulate from pollution from waste, deliveries during the day, and noise late at night.</p> <p>In any licence application the council should consider the cumulative effect on a residential area.</p>	<p>The pier itself is not licensed and licensed vessels to not operate under their licence when moored at the pier. There is separate nuisance legislation that can consider noise activities from commercial premises.</p> <p>Paragraphs 157 &amp; 158 highlights that the cumulative affect of vessels on residents close to the pier can be considered outside a CIA. Residents can make representations under the licensing objective for prevention of public nuisance and provide evidence of the existing nuisance.</p>
A member		Licensing hours should take into consideration noise from staff	Section 236 of the Policy already includes noise from staff

of the public		<p>and deliveries. These of ten have a huge impact outside of licensing hours.</p> <p>Party boats are becoming an increasing nuisance yet it isn't possible to raise an objection without the name of an individual vessel. It should be possible to raise licensing concerns about an operating company.</p>	<p>and deliveries, residents can make representations regarding these issues on new/variation premises applications.</p> <p>There is also alternative legislation that can be used consider nuisance from commercial premises including deliveries to the pier.</p>
A member of the public		<p>Please include piers and the pleasure boats associated with them. At present each boat has a separate licence and we live by a pier which operates 20 hours a day. At 5.30 this morning they started and they continue until 1am. Coupled to this is the volume from some pleasure boats that escape all local authorities licences and the PLA is not fit for purpose so we need the local authorities to have more power over the piers and pleasure boats. The Thames has changed and much of it has become residential rather than wharves and commerce but the piers and boats are existing on licensing from a bygone age. The cumulative effect of having 12 large licensed boats parked outside our homes with cleaning deliveries rubbish removal and passengers being moored while dinner is served is detrimental to our health, having a severe impact on wildlife and increasing pollution with engines, stray rubbish in the river and lorries serving all these licensed boats. The intensity and impact on residents has increased hugely year on year.</p>	<p>It is unlikely that the premises licence for the vessels can be used to control activities at the pier itself.</p> <p>As previously stated there is alternative legislation that can be used to consider nuisance from commercial premises including cleaning, deliveries and rubbish removal to and from the pier.</p>
A licensed business with a licence		No Comments made	
A member of the public		<p>For Shad Thames area bounded by Tower Bridge Road, Tooley Street, St. Saviours Dock and the River, and the Triangle area bounded by Bermondsey Street, Tower Bridge Road and the Railway the pub (primary purpose) closing time should be 10pm or 10.30pm latest by default, with anything later only approved if it meets the cultural benefits condition.</p> <p>The 11pm closing time means noise of dispersal, people smoking</p>	<p>The policy needs to strike a balance between the needs of the business and promoting the licensing objectives to protect residents from issues that may arise from the operation of the business. We believe that the current recommended closing times reflect that balance for different areas of the Borough.</p>

		and shouting, and waiting for taxis keep nuisance on the streets till 1130pm, which is too late in a closely inhabited residential area.	
<b>Comments on the draft policy changes</b>			<b>Appendix C</b>
Other	Solicitor	<p>Paragraph 58 – Plans</p> <p>The new proposed wording states that plans should detail external areas for the purpose of consumption of on or off sales, including public areas such as the street.</p> <p>However, I note that this is in contradiction with the latest Home Office Guidance issued under s.182 The Licensing Act 2003, which states at paragraph 8.37:</p> <p>If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.</p> <p>Further, the requirements for what must be included in premises licence plans is detailed in regulation 23 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (“the Regulations”). Based on these requirements, it may in certain circumstances be necessary to include external areas for the purpose of consumption of off sales due to, for example, the location of points of access to and egress from the premises, however the Regulations do not require that all external areas for the purpose of consumption of off sales must be shown.</p> <p>I therefore submit that the proposed new wording in paragraph 58 be revised or removed in consideration of the above.</p>	<p>Paragraph 58 This section does not contradict the Home Office guidance, but adds to the guidance and regulations to form local policy. Members continually hear evidence at licensing hearings where the main concern is the unregulated use of outside areas causing public nuisance and disorder.</p> <p>The paragraph makes it clear that applicants are asked to provide this information and, while it is not a statutory requirement, members may when considering contested applications request additional information on related matters, including outside areas for consumption of alcohol.</p> <p>We have found that it is in the best interests of all parties to provide this information at the application stage rather than at a hearing. Applicants who designate and regulate their outside area frequently find that their applications are not opposed by responsible authorities (RAs) as applicants and the RAs are able to make a better assessment of the impact of the operation of the premises on close neighbours.</p> <p>Paragraph 69-73 This is to clarify that multiple TENs cannot be used to exceed 499. The explanatory notes accompanying the Licensing Act 2003 makes this quite clear in stating:</p> <p>“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.”</p>

		<p>Paragraph 69-73 – Temporary Event Notices</p> <p>The new proposed wording states that organisers “must not” use multiple TENs for the same or adjacent premises at similar times to allow for a single event of over 499 persons, and that where objections are received to multiple TENs for a single event the Licensing Sub-Committee will consider them to exceed the allowance and only one TEN will be granted.</p> <p>I note that the reason for this is the Council’s concern that an event over 499 persons could be more likely to impact on the licensing objectives and that in such cases the full consultation under a time-limited premises licence application would be more appropriate.</p> <p>However, there is nothing in the Licensing Act 2003 to prevent notification of multiple events at the same time. Premises users are legally entitled to use TENs in respect of adjacent premises at the same time, irrespective of whether the purpose is to allow for an event over 499 persons.</p> <p>In such cases it may be appropriate for a premises user to demonstrate how they will ensure that the licensing objectives will not be undermined and that the maximum capacity of 499 will not exceeded in each relevant area. This is supported by the latest Home Office Guidance issued under s.182 The Licensing Act 2003, which states at paragraph 7.35:</p> <p>In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure</p>	<p>If the premises user considers that this paragraph does not apply to their multiple TENs and they have received objections then they can make that case at the Licensing Sub-Committee hearing. Their decision is not predetermined but the policy sets out the Licensing Authorities position on multiple TENs. We have taken your comments into consideration and changed “must not” to “should not” and re-worded paragraphs 72 &amp; 73.</p>
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		<p>that the permitted persons limit will not be exceeded. For example, where notices are being given for TENS simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters.</p> <p>I therefore submit that it is not appropriate for the policy to state that organisers must not use multiple TENS for a single event, nor for the Licensing Sub-Committee's decision to be pre-determined in such cases, and that the proposed new wording at paragraphs 69-73 be revised or removed in consideration of the above.</p>	
<p>A licensed business with a licence</p>		<p>Question 1</p> <p>The rules regarding plans are clearly set out in the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (Regulation 23). Imposing requirements above and beyond the regulations is unfair and unnecessary. Applicant's should be able to submit the same plan in Southwark that they could anywhere else.</p> <p>Question 2</p> <p>The rules regarding Temporary Event Notices (TENS) are made perfectly clear in the Licensing Act 2003 and the Secretary of State's Guidance issued under Section 182 of the same. It is not correct to steer applicants towards an alternative process because it is the Council's preference that it should be done that way. TENS exist for a reason and it is open to applicants to use them within the bounds created by the legislation.</p> <p>Question 3</p> <p>We do not consider that this is an issue.</p> <p>Question 4</p>	<p>Question 1, We believe local policies are to address local issues, in Southwark the unregulated use of outdoor areas to consume alcohol has caused concerns at hearing of opposed premises licences.</p> <p>Applicants can submit the same plans as they submit elsewhere, however they may receive representations from RAs and residents regarding the use of the outside areas.</p> <p>We have found that it is in the best interests of all parties to provide this information at the application stage rather than at a hearing. Applicants who designate and regulate their outside area frequently find that their applications are not opposed by RAs as applicants and the RAs are able to make a better assessment of the impact of the operation of the premises on close neighbours.</p> <p>Question 4 Licensing Officers will assist applicants to access other consents as and when this may arise.</p> <p>Question 5 This is to clarify that cumulative impact relating to licensing objectives is a legitimate matter for a representation outside a CIA. This will not make the whole borough a CIA as, outside a CIA, there is no rebuttable</p>

	<p>The grant of a licence does not relieve the applicant from obtaining other appropriate consents and we agree that these should be obtained however, we consider that the licensing authority should take the lead in explaining to applicants, particularly those without representation, the wider process required to obtaining consent for an event</p> <p>Question 5</p> <p>We strongly disagree with this. This is an attempt by the council to make the entire borough a cumulative impact zone by the back door. Instead, the council should properly complete a cumulative impact assessment and should do so sooner rather than later. The council has established cumulative impact areas and may consider cumulative impact in those areas. It should not be doing so outside them. The Council also needs to publish better quality versions of its cumulative impact area maps both in its policy and on the website. The current plans are not fit for purpose.</p> <p>Question 6</p> <p>The way the council has phrased this question vs. the actual amendments to the policy is very misleading. We do not agree with your decision to include ‘bars in other types of premises’ along with public houses, wine bars and other drinking establishments and to apply the same hours to them. We also do not agree with your creation of a new category ‘Event premises/spaces where sale of alcohol is ancillary to a range of activities are available including meals’ [sic]. The council would be far better scrapping table 2 entirely and focusing on considering each application on its own merits. Types of premises are changing. It is becoming rarer and rarer to find premises which fit squarely within the categories laid down by the licensing authority in the policy. Many premises have any number of uses and treating premises this way can cause confusion. Furthermore, officers and sub-committee members will resort to the lowest</p>	<p>presumption to refuse an application. The onus is on the RA or other person to provide the appropriate evidence to support their representation. We have taken your comments on board and reworded paragraph 157 and added 158.</p> <p>Question 6 The Licensing Authority is aware of the changing nature of premises operations and the use of event spaces to provide late night entertainment venues, this section is to clarify issues regarding these types of premises that have arisen during licence hearings.</p> <p>These hours are recommendations and applicants can apply for different hours. Should an application received representations then the applicant will be given the opportunity to demonstrate that their premises will not have an adverse affect on the licensing objectives with later opening hours.</p> <p>Therefore each application will be considered on it’s own merits.</p> <p>Question 7 These comments seem to be contradictory, occupancy levels are not only set by fire regulation as the council can look at capacities for outside areas or areas within a premises based on public safety or public nuisance concerns and these issues are outside the fire regulations come within the Licensing Act 2003 under the licensing objectives.</p>
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Other Person	Southwark Councillor	<p>Firstly, the information in the "Leading Southwark" section needs updating to reflect the new number of wards, councillors etc</p> <p>Para 23 – second sentence doesn't make sense</p> <p>Para 82 - should say "entitled" not "entitles"</p> <p>Para 139 – second sentence doesn't make sense</p> <p>Description doesn't quite work in final table of hours of operation</p> <p>Para 170 – remove "they"</p> <p>Para 171 – would read better if there was a full stop after ....for a bar. Some examples.... Replace "does" with "do"</p> <p>Para 172 – doesn't make sense</p> <p>Para 298 – enforcement policy will take effect, not affect</p>	These suggested amendments have been included in the draft policy.
Other Person	Night Czar	<p>Re: Southwark Statement of Licensing Policy 2016-2020 – Licensing Consultation</p> <p>As the Mayor of London's Night Czar, I am writing to respond to Southwark's consultation on its Statement of Licensing Policy 2016-2020 ('Licensing Policy').</p>	

		<p>The Mayor is committed to ensuring London is a safe, welcoming and accessible 24-hour city that balances the needs of residents, workers and visitors. The night time offer of a world city should be extensive and diverse; London's £26bn night time economy is a vital contributor of jobs in the capital. But, in common with other cities, it has been under pressure from rising rates, rents and development.</p> <p>Southwark's night-time economy is world-renowned. From late night museum openings at Bankside to pop up theatres in former multi-storey car parks in Peckham, 'bring your own baby' comedy nights in a Dulwich pub to 'mega clubs' at Elephant and Castle, the borough's night time is as diverse as it is extensive.</p> <p>Since the publication of the last Statement of Licensing Policy, the Mayor has outlined his Vision for London as a 24-hour city, available at: <a href="http://www.london.gov.uk/24hourvision">www.london.gov.uk/24hourvision</a>. He has appointed me as his Night Czar to protect and champion London at night. He has also appointed an independent Night Time Commission to make recommendations on policies and programmes to support the implementation of his vision for a 24-hour city.</p> <p>Through his draft new London Plan the Mayor asks every borough to develop a Vision for their night-time economy, to support sustainable growth, particularly within strategic areas of night-time activity. Alongside planning and regeneration policies, licensing is an integral part of delivering this Vision. I would therefore ask Southwark to include a commitment in their Licensing Policy to creating a Night Time Vision for the borough. I would also encourage Southwark to refer to the Mayor's Vision for London as a 24-hour City in their updated Licensing Policy.</p>	
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		<p>The Draft New London Plan also includes the 'Agent of Change' principle, which places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. Whilst this is primarily a planning tool, I would encourage Southwark to make reference to the Agent of Change principle in its licensing policy as other licensing authorities such as Islington have done.</p> <p>One of the ways we are working with boroughs is via the Night Time Borough Champions Network. This is an invaluable forum where boroughs can exchange ideas and good practice on the creation and implementation of their respective Night Time Visions. We encourage all boroughs to use the network to update each other on work to develop and manage their respective areas of night time activity. I was pleased to meet the representatives from Southwark at the most recent meeting.</p> <p>The lifestyles of Londoners are changing, with 1.6 million people usually working between 6pm and 6am. We need councils, businesses and public services to work together to ensure Londoners have access to goods and services when they need them. This could be anything from shops, doctor's surgeries, cultural institutions and spaces for social activities. This also includes the availability of good quality hot meals later at night, particularly for night workers who currently have limited options to socialise or eat healthily before or after their working hours.</p> <p>I would like to provide the following specific comments on the proposed Licensing Policy:</p>	
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		<p>- Use of plain English – I would encourage the council to use plain English wherever possible to ensure that the Licensing Policy is accessible for a diverse range of people. The wording of some policies is complicated, making it hard to understand the purpose of the policy. This could present a barrier, particularly to small, independent businesses</p> <p>- Women’s Safety Charter – in July 2018 the Mayor launched the Women’s Night Safety Charter which includes a seven-point pledge to help ensure women in the capital are safe at night. This builds on the work done by Southwark to develop the Southwark Women’s Safety Charter. I am glad that Southwark is continuing to lead the conversation on women’s safety at night in its updated Licensing Policy (page 56). Through these initiatives we can make a real difference to help women feel safer at night.</p> <p>- Diversifying London’s night time economy – I support proposals in Southwark’s Licensing Policy to diversify the borough’s night time offer, including its policy on licensing hours (page 42) to require evidence that proposals in highly residential areas be accompanied by evidence that they will enhance the provision of arts, culture and tourism in the area.</p> <p>- Multiple TENs for a single event – Please can you confirm the potential impact of this policy on music festivals (page 22).</p>	<p>There should be little impact on music festivals within Southwark. Music festivals are planned well in advance of the event enabling the operator ample time to apply for a time-limited premises licence. A premises licence will allow residents and a full range of responsible authorities to respond to the application. Giving residents an opportunity to engage in the process and allows the organisers to address residents and RA concerns.</p>
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		<p>- Southwark regeneration and planning policies – Please can you confirm the purpose of paragraphs 134 and 135 (page 33). Given that planning, regeneration and licensing powers all sit within the Council’s control, it is unclear what this policy is aiming to achieve and why it is required.</p> <p>- Cumulative impact outside local CIPs – Please can you confirm what ‘evidence of cumulative impact issues’, outside local CIPs, would be accepted as a relevant consideration in determining an application? (page 36)</p> <p>- Event premises/ spaces where sale of alcohol is ancillary to a range of activities are available including meals – Please can you clarify the purpose of paragraphs 169-173 and the additional line in Table 2 ‘Suggested Closing Times of Licensed Premises’.</p>	<p>There have been some issues where applicants have received support from the regeneration division and taken this support as an indicator that their premises licence will be successful. This is to clarify to applicants that this is not the case and they should still address matters such as cumulative impact in their application.</p> <p>We are not able to advise on a definitive minimum standard of evidence as there are many factors that may be raised. Some examples are provided in sections 153 and 154 of the draft policy.</p> <p>Licensed premises are diversifying and this section is to give guidance on proposed closing times for applications that propose to sell alcohol to the public where the type of premises does not fit one of the existing premises types.</p>