

Scrutiny Review of Planning Enforcement

Further information from Richard Parkins, Southwark Health Safety & Licensing Manager in response to questions arising from main submission

From page 1-2 - Are regular reports issued? Have the planners made any representations to licensing recently (e.g last 2 years)? If so, any useful lessons to be learned?

I commission six-monthly reports from the (safer Southwark) partnership analyst which analyse

- Alcohol related violence against the person (excluding domestic violence)(VAP);
- Alcohol related crime and disorder (CAD); and
- Alcohol related ambulance pick-ups.

I also commission six-monthly reports from the Environmental Protection Team on calls received concerning nuisance relating to licensed premises.

These reports are presented to the council's licensing committee and form the main basis for the committee's consideration of saturation policies dealing with cumulative impact of licensed premises. Example reports are included for the review's information.

Although DCMS guidance and the councils' own licensing policy suggest they should be, these reports have not been formally put to the planning committee to date. As offered in my main response, however, this can be arranged if the planning committee would benefit from receiving these. The planning team have been formally consulted, however, on every decision around saturation policies arising from consideration of these reports and have submitted formal views on every occasion. Contributions have been made by planning to decisions to establish saturation areas in Borough and Bankside, Camberwell, and Peckham and further decisions not to proceed with other saturation areas.

As also noted in my main submission, planning have also made representations on individual applications with increasing frequency over the past two years and lessons have definitely been learned within this process. In particular it is now understood that there is common ground within the two arenas around issues of nuisance; that nuisance is concerned with both 'statutory nuisance' and 'public nuisance'; and that both have consequent impacts on amenity.

From page 2 – How does the above operate in practice? Any examples to assist the scrutiny?

Every applicant for a licence receives a copy of the Southwark statement of licensing policy as the start of the application process. They will normally meet

with a licensing officer to go through the licensing process. They will be advised on planning status where relevant.

If the applicant goes forward with simultaneous applications or applies for a licence application in advance of a planning application it is planning's role as an 'interested party' that helps ensure consistency of approach. As noted in my initial response planning status is covered as standard in every application report to the licensing committee and representations will be lodged where the planning team have reason relevant to the licensing objectives to do so. As an example that this can be effective, in June 2009, planning's intervention into the licensing process led to an application for development of a 'night club' use at 224a Tower Bridge Road in advance of planning consent being obtained led to the application for a licence being withdrawn.

There may still be occasions when a licence is granted in advance of planning consent. However, if this is the case it is likely now to be because there are no grounds relevant to both planning and licensing for a licence not to be granted and, as mentioned, this does not allow for lawful operation until all consents are obtained.

From page 4 – Can you advise why applicants would wish to seek a licence prior to seeking planning consent? Any examples to assist the scrutiny?

From my experience, I believe that many applicants will consider the timing of applications for the range of necessary licences and consents, as 'business critical decisions'. If there are no lawful reasons why the two applications cannot be made simultaneously, then many operators will see no reason why they should not. I believe this is understandable. The two matters may be processed alongside each other and delaying one while waiting for the other could lead to a potentially unnecessary delay in getting a new project up and running.

From page 5 – What are the agencies which provide input into the above reports? Could scrutiny see an example? Are the reports (redacted if necessary) provided to the Safer Neighbourhood Team panels?

As noted above, the six-monthly reports are prepared by the partnership analyst drawing from the police databases and from additional information provided by the London ambulance service. The environmental protection team's report on nuisance complaints is drawn from the database of calls received through the "It's your call" line.

A copy of the report is provided to the head of community safety and forwarded to the police licensing office and information is shared with other responsible authorities. I am unaware if the police licensing office further distributes the report to the local SNTs. The SNTs are not copied directly from this office.

Aside from these considerations, I am aware from discussions with the partnership analyst that it is intended to review the breadth of information now being generated within the range of partner services and how the information is shared and best used. This will be a useful exercise.

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