

The question asked as part of the Consultation was “What are your views on the proposed policy, and in particular the Cumulative Impact Zones?”

The Council received 78 valid responses. Of those, 65% were broadly in support of the policy, with 30% opposed. The remaining 5% were of neutral commentary. Key themes and questions are as follows:

CIZs

- There was broad support for the CIZ, especially within the new areas identified, for Eltham High Street, East Greenwich Riverside, and Herbert Road.
- Many respondents asked whether the CIZs could be expanded to include additional areas, or even applied borough-wide.

Residential Areas

- Concerns were raised that in making licences harder to obtain in the town centres and high-streets, around which the CIZs are based, this could displace licenced premises into quieter residential streets, and close to schools.
- A desire to restrict live music in venues in residential areas; though conversely a desire that the policy does not seek to impact the ability for venues to host live music.
- A desire to restrict outdoor seating outside venues in residential areas.

Businesses and the Night Time Economy

- Concerns were raised that the policy may negatively impact on night time economy venues.
- Concerns were raised that businesses, having already suffered hardship through the lockdown period, may suffer from increased regulation.

Enforcement

- Comments were made that residents would like a greater utilisation of the CIZ and enforcement, including pro-active inspections and visits to licenced premises generally. In particular relating to noise, anti-social behaviour, litter, drunkenness, and street drinking.

The following questions and queries were raised:

Questions and Answers

- 1) Will the policy encourage more alcohol premises in residential areas?
Response: No. The CIZ policy seeks to recognise that a saturation of licenced venues within certain areas can have a cumulative impact on issues of crime, disorder, nuisance and safety, etc. The CIZ policy does not seek to prevent new premises from operating in these areas, rather that they consider the potential impact of their operation on such an area, and so offer and abide by a higher set of standards than may usually be required outside of the zone.

- 2) Can Charlton / Blackheath / Mottingham / Glyndon / The Slade / Timbercroft Road / the whole borough be made to be part of a CIZ?
Response. The CIZs are drawn tightly to areas where there is (a) a saturation of licensed premises, and (b) there is evidence a cumulative impact on the licensing objectives. Other areas, as suggested, do not at the current time, meet this test. As such, we do not have sufficient evidence to justify their inclusion.

- 3) Are fast food venues, or other unlicensed venues, restricted by the CIZ?
Response: Fast food venues that operate beyond 11pm, sell alcohol, or provide regulated entertainment do require a licence under the Licensing Act 2003, and so are caught by the CIZ policy. Other venues are not caught.

- 4) Will the proposals impact on the ability for venues to host live music?
Response: The policy does not prevent venues from applying to provide performances of live music, and most venues benefit from an exemption provided by the Live Music Act 2012 which allows live music in alcohol licensed venue between 8am and 11pm. If problems do arise, and these are witnessed and verified there are several enforcement options: (a) prosecution under the Environmental Protection Act 1990 – for causing a statutory noise nuisance, or (b) Review of a Premises Licence, seeking to remove live music from the scope of the licence, or place restriction on it (in terms of times and volume, etc.), or (c) prosecution under the Licensing Act 2003 for breaches of licence conditions relating to the playing of music.

5) Do the proposals impact on venues within the Night Time Economy?
Response: The policy does not prevent night time economy venues from applying. As with any premises, an application within a CIZ will require the applicant address the issue of cumulative impact, and to identify mitigating procedures and conditions to be placed on the licence, if granted.

6) Can restrictions be placed on live music and outdoor seating for venues situated in residential areas?

Response: Conditions are set at time of application, however if problems arise it is the right of any person to request a review of the premises licence, whereby new conditions, times (etc.) can be set; where there is evidence of a problem.

7) Where new residential developments have risen close to existing licenced premises, are existing and longstanding venues protected from potential complaints that may arise – and should developers be made responsibly for installing sufficient sound insulation?

Response: The Licensing Act 2003 recognises that the areas in which licenced premises are situated are not static and subject to change. So whilst conditions and times are set at application, the Act allows for the review of a licence by any person at any time. As such, no, venues situated next to areas of development are expected to operate in a manner that continues to promotes the licensing objectives, including adapting their operating to any new neighbours they may have. If they do not, it is the right of those neighbours to seek to review the licence, to impose more restricted operating times and conditions. The Licensing Act 2003 does not have any power to impose conditions on residential properties (i.e. to seek that new developments are sound-proofed), as such the onus of responsibility will lie with the licensed venue.

8) Were the crime statistics used in mapping the CIZs considerate of the impact of the lockdown period?

Response: Yes. We have not included data collected during the pandemic, and so the data used in drawing the CIZs reflects a more “normal” operating period. We do have the ability to review and refresh this data when the pandemic ends.

- 9) Can the Council restrict the number of licenced premises either across the borough or particular areas, such as near schools?

Response: There is no power within the Licensing Act 2003 to restrict the number or type of applications we process. Rather, each application we do receive is considered on its own merits, in consultation with various authorities and with local residents. In the case of schools, it would be reasonable to assume that a premises seeking to operate near one would have an appropriate and robust age-verification scheme. If it did not, the Council could (following relevant representation and amongst other options) seek to impose such a scheme on an operator through legally enforceable licence conditions, or else to refuse the application outright.

- 10) What is the Council doing to promote and encourage more licenced premises to open?

Response: Our policy seeks to strike the right balance between allowing new and existing operators to flourish, whilst protecting the interests of local residents in terms of the promotion of the licensing objectives. Licensing Officers are available to speak with potential applicants for help and advice, and to facilitate communication with authorities prior to submission of the application.

- 11) Can the drinking age be set to over 21?

Response: Some individual pubs and clubs may operate on an over-21 only policy, but largely this is voluntary. The legal age at which a person can buy alcohol is set in primary legislation, to 18.

- 12) Can off-licences be prevented from selling in single cans, as this often leads to street-drinking and litter?

Response: Many off-licences do not sell in single cans for precisely this reason, and do so on a voluntary basis as part of the Council's "Reducing the Strength" campaign, seeking to reduce the availability of high-strength beers and ciders. For premises that are not part of the scheme, and where a problem is identified that can be clearly linked to the premises; a licence review would be appropriate.