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6th February 2008

The challenge for local authorities is to balance a vibrant night-time economy while protecting residents' quality of life and Southwark licensing has brokered successful agreements on the South Bank, writes Nick Warburton

It's Friday night on the riverfront at Shad Thames, one of South London's most exclusive localities, and the bars and restaurants are buzzing with the sound of office workers winding down after a busy week at work. On the pavement, groups of smokers enjoy a drag on their cigarettes, admiring the views of Tower Bridge and Canary Wharf.

Highly sought for its panoramic views of the river, Shad Thames has become a magnet for the super rich dreaming of peace and tranquillity among the penthouse suites on Butler's Wharf. But in and around these former warehouses, bars and restaurants have also opened up, bringing life to this once derelict area and fostering a healthy night-time economy.

Up until last summer, residents' complaints about late-night noise and other inconsiderate behaviour had trickled into Southwark LBC but, soon after the smoke-free legislation came into force, local passions were ignited. Licensees, determined to retain their smoking customers, were allowing patrons to congregate outside the premises, blocking throughways for traffic, dropping cigarette ends and adding to the clutter of discarded beer glasses.

The fallout was immediate. Southwark LBC's licensing team was soon flooded with a deluge of complaints concerning incidents of antisocial behaviour, not only in Shad Thames but also in the Bermondsey area and around Borough Market and London Bridge, where street smokers and drinkers were distressing residents. In their eyes, these groups were generating significant noise and this, along with other inconsiderate behaviour, was detrimental to their quality of life. Such was the level of anger in some cases that a few residents considered seeking a review.

Southwark steps in

For many local authorities, the most obvious way to resolve the problem would have been to take formal action, but Southwark decided to bring residents and licensees in the affected areas together to find a solution mutually beneficial to both sides.

"It is essential that we strike a balance," argues Joanne Stowell, team leader for Southwark LBC's health and safety and licensing service. "We have got to protect our night-time economy. We have to encourage and protect businesses but we also have to protect the rights of individuals. It means, for the licensing team, especially, that we take a completely unbiased view."

As principal licensing officer Rosanna Keogh points out, Southwark's approach has been forged by changes in the Licensing Act. "Previously the licensing team were involved in the process of setting licence conditions that established best management practices. We no longer have that power, which was initially very frustrating."

The new Licensing Act sets out to provide licensees with more flexibility to define their future business operation. It also provides licensees with greater responsibility in determining what

management controls it is necessary to include in the business's operating schedule to meet the four licensing objectives. These controls become the licence conditions.

Under the new set-up, the licensing authority has no discretion to add conditions unless representations are made highlighting concerns. As Ms Keogh points out, this can lead to some licences being granted with what ultimately proves to be inadequate controls on the licence. It can also lead to more cases where representations are raised because "responsible authorities" or "interested parties" consulted under the Act view the proposed controls to be inadequate.

Either way this often leads to further consideration being given to management proposals. "It is Southwark's view that concerns raised can often best be dealt with through conciliation meetings which are arranged with the intention of finding negotiated outcomes to problems raised that satisfy all parties concerned," says Ms Keogh. It's an option few authorities take up, but it's one that Southwark has pursued.

With this thought in mind, Southwark's licensing team contacted local residents and facilitated meetings during which officers explained what could be achieved.

Residents empowered

The end game is to empower residents by providing them with the necessary knowledge for them to change the current situation and improve the quality of their local community. Both sides have been encouraged to listen to each other and take on board the issues.

Through careful arbitration Southwark's licensing team has helped residents negotiate voluntary measures over and above the licensees' enforceable conditions, which have dramatically reduced the number of complaints lodged.

For Jilly Frisch, secretary of the Shad Thames residents' association, the conciliation approach has been a huge success. Looking back to last summer, she reflects on how the situation has been transformed since Southwark brought the two sides together.

In her area of Shad Thames, one of the biggest causes of grievance had been the Dean Swift pub, which had, for some time, aggravated local residents by playing loud music, particularly at weekends, and allowing patrons to congregate outside on the street, blocking traffic. The final straw, however, was when the manager started showing the Rugby World Cup on the wall opposite the pub with a loudspeaker and commentary out in the street.

When residents' complaints mounted, Southwark's suggestion to pursue the conciliation route was first treated with scepticism. However, local residents were won over when a conciliation meeting prompted the pub's management to agree to put in place voluntary measures.

"It's a good mechanism for encouraging communication between people because quite often things fester and it's not until you confront that problem that you actually manage to find something will happen," says Ms Frisch. "Considering that a conciliation meeting does not have any legal binding on anyone, [the Dean Swift] seem to react. I guess they know that if they don't, it's likely a review will be called."

While Ms Frisch says the area had always suffered from late-night noise problems, she does feel that the smoke-free laws did contribute to a worsening situation. Having said that, the pub has gone to great efforts to remedy the problem. "Now they've got a condition as a result of the conciliation meeting that people are not allowed to take their drinks outside after nine in the evening and they have had to supply ashtrays that stick on the wall," says Ms Frisch.

The pub's management has also gone beyond its immediate responsibilities by tackling another outstanding complaint – an alleyway by the side where drinkers in the area often urinate. "The pub has agreed that each day, even though it is not their problem, they will make sure it is washed in disinfectant," says Ms Keogh.

Vibrant nightlife

With its existing nightlife, residents have been careful to ensure that the area doesn't get any noisier when new bars and restaurants apply for licences. At another conciliation meeting, residents voiced objections about the Most Café Bar below Tower Bridge, which was looking to extend its licence to stay open to 2am each day.

Due to local opposition, Southwark reigned in these plans when the hearing was held last month. As a result, the application has been granted so that the bar can stay open to 1am on Friday and Saturday nights. For the rest of the week, the bar must close at 11pm. On the late nights, no new admissions are allowed in after 12pm and management has to keep the door closed when music is played. The bar is also in the process of installing a noise limiter.

"All of this came up as a result of Southwark's noise team suggesting it at the conciliation meeting and they've agreed to do it," says Ms Frisch. Since the meeting, the Most Café Bar's management has also informed residents that it would like to hold quarterly meetings.

In such an exclusive area, it is not only the perceived antisocial behaviour exhibited by patrons frequenting and leaving the area that has raised concerns; other disturbances to the peace are also frowned upon.

"People associate antisocial behaviour with louts doing graffiti or vandalising property," argues Ms Stowell. "It isn't as narrow as that. Antisocial behaviour can also be businesses operating in a way residents find intolerable. It can be having bottles and waste collected at three in the morning, cigarette butts dropped on the floor, glasses left outside or people shouting. These sorts of occurrences upset residents".

As a result, Southwark's licensing team has negotiated a code of practice all local restaurants have signed up to. Driven by the local residents' association, it requires any new businesses to respect the peace by meeting specific conditions, such as not allowing deliveries or having waste collected during antisocial hours, agreeing to close at certain times and helping clear the areas.

Even so, it is important that residents appreciate the benefits these bars and restaurants bring to the area. There is a case to be made that, if the night-time economy is suppressed and businesses are forced to move away, residents may feel less inclined to walk the streets late at night.

Code of practice

Bars and restaurants in nearby Bermondsey and Borough have agreed to abide by their own codes of practice to accommodate local residents. On Bermondsey Street, where the Woolpack and Garrison pubs face each other, the licensing team took pre-emptive action by approaching the licensees prior to the smoke-free laws. "We had a meeting and they also adopted their own code that there are no glasses outside after a certain time, so while people still go out for their cigarette, because they haven't got their drink they'll go straight back in again," says Ms Keogh.

In Borough, residents had taken issue with drinkers standing outside the Market Porter pub, as they were perceived to be blocking the traffic and leaving smashed glasses on the street. Once again Southwark's licensing team brought both sides together to broker an agreement.

"We got the Market Porter to issue plastic glasses, and also to employ door supervisors to shepherd people back on the pavements and to ensure patrons don't gather beyond the pub boundaries," says Ms Stowell. "We do all we can to monitor these self-imposed conditions, and the licensees know that we will be checking."

While some authorities may raise an eyebrow at Southwark's approach, Ms Stowell defends it: "We don't have to do this [but] it's become a standard practice here that every single application that comes in, every single objection, we try and conciliate. We never say just go to committee, and try and involve ourselves in areas where we have no enforcement responsibility. We can't enforce the code of practice but we encourage it to be written and adhered to."

For Ms Frisch, Southwark's approach has brought tangible benefits to the local community and arguably made it a more enjoyable place to live. "The conciliation route seems to work extremely

well and I would say it works probably almost better than a review because you can agree things on a more informal basis. But then the licensee knows that the next step is a review and they are not keen to go that final step.”

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