



LICENSING COMMITTEE

Thursday, 30th June, 2016

at 6.30 pm

Room 102, Hackney Town Hall, Mare Street,
London E8 1EA

Membership

Cllr Brian Bell (Vice-Chair), Cllr Barry Buitekant, Cllr Sophie Cameron, Cllr Sade Etti, Cllr Margaret Gordon, Cllr Abraham Jacobson, Cllr Christopher Kennedy, Cllr Richard Lufkin, Cllr Sharon Patrick, Cllr James Peters, Cllr Emma Plouviez (Chair), Cllr Caroline Selman, Cllr Peter Snell and Cllr Simche Steinberger

TIM SHIELDS
Chief Executive

Contact:
Natalie Williams, Governance Services Officer
Tel: 020 8356 8407
Email: governance@hackney.gov.uk

The press and public are welcome to attend this meeting

ACCESS AND INFORMATION

Hackney Council website: www.hackney.gov.uk

The Council and Democracy section of the Hackney Council website contains full details about the democratic process at Hackney, including:

- Councillor contact details
- Agendas, reports and minutes from council meetings
- The council's constitution
- Overview and Scrutiny information
- Details and links to area forums and local consultations

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RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

AGENDA

Thursday, 30th June, 2016

ORDER OF BUSINESS

Item No		Page No
1	Apologies for Absence	
2	Declarations of Interest - Members to declare as appropriate	
3	Minutes of the Previous Meeting	1 - 6
4	Late Night Levy	7 - 34
5	Revised Pool of Model Licence Conditions	35 - 54
6	Licensing Service Annual Report	55 - 88
7	Any Other Business Which In The Opinion Of The Chair Is Urgent	

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- i. relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- ii. relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- iii. affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- ii. You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Yinka Owa, Director of Legal, on 020 8356 6234 or email Yinka.Owa@hackney.gov.uk



FS 566728

LICENSING COMMITTEE

TUESDAY, 10TH NOVEMBER, 2015

<u>Present:</u>	Councillor Emma Plouviez in the Chair Cllr Brian Bell (Vice-Chair), Cllr Margaret Gordon, Cllr Christopher Kennedy, Cllr Richard Lufkin and Cllr Geoff Taylor
<u>Apologies:</u>	Cllr Sophie Cameron, Cllr Abraham Jacobson, Cllr Sophie Linden, Cllr Sharon Patrick and Cllr James Peters
<u>Absent:</u>	Cllr Barry Buitekant, Cllr Peter Snell, Cllr Simche Steinberger
<u>Officers:</u>	Darren Reilly (Licensing Enforcement Team Leader) Butta Singh (Senior Licensing Lawyer) David Tuitt (Licensing Policy & Operations) Natalie Williams (Governance Services Officer)

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors: Sophie Cameron, Abraham Jacobson, Sophie Linden, Sharon Patrick and James Peters.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interests.

3 Minutes of the Previous Meetings

- 3.1 Minutes of the meetings held on 20th May 2015, 1st June 2015 and on 24th September 2015 were agreed as a correct record of proceedings.
- 3.2 It was noted that Councillor Feryal Demirci had resigned from the Licensing Committee which subsequently left a vacancy in Licensing Sub Committee E. It was reported that a replacement member would be sought and the Committee would be updated accordingly.

4 Statement of Licensing Policy 2016

- 4.1 David Tuitt, Team Leader (Licensing Policy and Operations) introduced the report which provided information on the proposed Statement of Licensing Policy. The Committee was required to commend the Policy to Council for approval.
- 4.2 Consultation on the draft policy ran from 25 May 2015 to 14 August 2015, the results of which were detailed in Appendix 1. Following the identification of an error in the consultation material, the re-adoption of the revised policy was agreed for consultation

as an interim measure. This was agreed at the extraordinary meeting of the Licensing Committee on 24th September. Subsequently consultation began on 28th September and ended on 12th October 2015. The results of which are detailed in Appendix 2

- 4.3 David Tuitt, highlighted some of the overall results analysis which included:
- 74% of respondents not supporting the proposals for a revised SPA hours policy (Page 22)
 - The majority of respondents were from post code area E8
 - More than double the percentage of men (65%) responded compared to females (32%)
 - 69% of respondents did not agree that the proposals to extend the Shoreditch SPA was appropriate for the promotion of the licensable objectives.
 - 73% did not agree that the proposal to introduce an hours wide borough policy is appropriate for the promotion of the licensable objectives.
 - Information and response from key stakeholders as detailed on pages 25-45.
- 4.4 David Tuitt reported that the existing policy expires on the 6th January 2016 and the Council is required to have the revised policy in place by 7th January 2016. Once in place the policy can last up to five years, however it is envisaged that further substantive consultation will be carried out in 2016 and the policy will be revised before its expiration.
- 4.5 In response to a point of clarification from Councillor Lufkin, the Committee was advised that the analysis show that many respondents may not have sufficiently understood the questions pertaining to the Dalston and Shoreditch SPA's. It was noted that prior to further consultation, work would need to be done to simplify the consultation process and to specifically address the phrasing of questions to ensure that there is no room for misunderstandings or misinterpretations.
- 4.6 Councillor Bell requested the following non substantive amendments:
- LP12 Licensing Hours (page 96 of agenda pack) paragraph b to include the words '**for opening hours**' to read '*In residential areas the Council will not normally grant licences for opening hours beyond midnight*'.
 - The paragraph entitled 'Operational Aspects' on page 103 of the agenda pack to be renumbered as bullet point 35.
- 4.7 In response to a question from Councillor Kennedy, the Chair advised that the time lines for future consultation and policy adoption had not yet been agreed. There was however a proposed plan in place which would be presented to the Committee in due course. Any plans would take into account the London Mayoral election scheduled for May 2016 and local elections due to take place in 2018.
- 4.8 **RESOLVED that the Licensing Committee:**
- (i) Note the Consultation Report at Appendix 1.
 - (ii) Note Summary of Responses for the consultation of the revised policy at Appendix 2.
 - (iii) Recommends the proposed Policy at Appendix 3 for approval by the Council

- (iv) Authorises the Corporate Director of Legal, HR & Regulatory Services to make any non-substantive changes to the proposed Policy as appropriate.

5 Gambling Policy (Statement of Principles) 2016-2019

- 5.1 David Tuitt, Team Leader (Licensing Policy and Operations) introduced the report. Following the Committee's approval of the draft policy on 1st June 2015, a twelve week consultation ran from 15th June to 4th September, during which 6 responses were received.
- 5.2 Following the consultation, some non-substantive changes were made which included a change in the foreword to reflect the current number of licenced premises within the borough, amended text to welcome stakes and prizes limits, a minor change in text at paragraph 4.2.3 in relation to crime hotspots and minor changes to paragraphs 4.5.8 and 4.5.9.
- 5.3 Councillor Taylor advised that according to the NHS, there are more than half a million people addicted to gambling in Great Britain. This is often correlated to aspects of mental ill. The distinction was made between gambling on real life events and machine gambling which has a higher degree of addiction. It was noted that this is a real genuine problem within Hackney.
- 5.4 In response to Councillor Taylor's comments, the Committee collectively expressed its resolute opposition to Fixed odds betting terminals.
- 5.5 David Tuitt, advised the Committee of future work to be carried out which included assessing the impact of the social responsibility codes that operators have to abide by and local area profiles and risk assessments. It was reported that the London Borough of Westminster and Manchester City Council are carrying out research looking at the number of licensed premises and their impact. The Committee noted that the research although independent, would be part funded by the Gambling Commission Fund.
- 5.6 **RESOLVED that the Licensing Committee:**
 - (i) Notes and makes any comments on the content of the proposed Policy at Appendix 1 and commends the proposed Policy to Cabinet for recommendation to Full Council for approval.
 - (ii) Notes the responses received during the consultation at Appendix 2.
 - (ii) Authorises the Corporate Director of Legal, HR & Regulatory Services to make any non-substantive changes to the proposed Policy as appropriate.

Duration of the meeting: 7.00-7.40

Chairman at the meeting on
Tuesday, 10 November 2015

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MINUTES OF A MEETING OF THE EXTRAORDINARY LICENSING COMMITTEE

WEDNESDAY, 25TH MAY, 2016

Councillors Present: Councillor Emma Plouviez in the Chair

Cllr Brian Bell (Vice-Chair), Cllr Barry Buitekant,
Cllr Sophie Cameron, Cllr Sade Etti,
Cllr Margaret Gordon, Cllr Abraham Jacobson,
Cllr Christopher Kennedy, Cllr Sophie Linden,
Cllr Richard Lufkin, Cllr Sharon Patrick,
Cllr James Peters, Cllr Caroline Selman,
Cllr Peter Snell, Cllr Simche Steinberger

1 Appointment of Chair and Vice Chair of the Licensing Committee

Councillor James Peters proposed that Councillor Emma Plouviez be elected to serve as Chair of the Licensing Committee for the 2016/17 Municipal Year. This was duly seconded by Councillor Richard Lufkin.

There were no other nominations.

RESOLVED that Cllr Emma Plouviez be elected to serve as Chair of the Licensing Committee for the 2016/17 Municipal Year.

Councillor Richard Lufkin proposed that Cllr Brian Bell be elected to serve as Vice Chair of the Licensing Committee for 2016/17 Municipal Year. This was duly seconded by Councillor Peter Snell.

There were no other nominations.

RESOLVED that Cllr Brian Bell be elected to serve as Vice Chair of the Licensing Committee for the 2016/17 Municipal Year.

2 Establishment and Composition of the following Sub-Committees

RESOLVED that the establishment and membership of the Licensing Sub-Committees A to E be approved, as set out below, for the 2016/17 Municipal Year:–

LICENSING SUB-COMMITTEE A

Councillor Sophie Cameron
Councillor Christopher Kennedy
Councillor Richard Lufkin

LICENSING SUB-COMMITTEE B

Councillor Sharon Patrick
Councillor James Peters
Councillor Caroline Selman

LICENSING SUB-COMMITTEE C

Councillor Sade Etti
Councillor Margaret Gordon
Councillor Peter Snell

LICENSING SUB-COMMITTEE D

Councillor Brian Bell
Councillor Barry Buitekant
Councillor Abraham Jacobson

LICENSING SUB-COMMITTEE E

Councillor Sophie Linden
Councillor Emma Plouviez
Councillor Simche Steinberger

Chairs to be appointed at each individual meeting of each Sub Committee.

All Members of Licensing Committee are appointed substitutes for all Licensing Sub-Committees.



THE LATE NIGHT LEVY	
LICENSING COMMITTEE 30 JUNE 2016	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 On 20 November 2013 the Licensing Committee considered a report on the powers to introduce a late night levy. The Committee noted that Licensing Officers would monitor whether a Late Night Levy was needed and if necessary a further report would be presented to a future Committee meeting.
- 1.2 This report provides the Licensing Committee with an update on the voluntary levy in Hackney, the uptake of the Late Night Levy by other local authorities, including an update on Islington's late night levy.
- 1.3 This report also puts forward a proposal for the Council to consult on whether or not to introduce a Late Night Levy in Hackney.

2. RECOMMENDATION(S)

2.1 The Licensing Committee is recommended to:

- (i) **note the contents of the report**
- (ii) **request Full Council to consider and approve the consultation of a late night levy being introduced in Hackney.**

3. BACKGROUND

- 3.1 Established under the Police Reform and Social Responsibility Act 2011, the late night levy is a power enabling licensing authorities to charge a levy to persons who are licensed to sell alcohol in the local area late at night. The revenue raised is then used as a contribution towards the costs of policing the late night economy.
- 3.2 The levy is payable by the holders of any premises licence or club premises certificate that authorises the sale or supply of alcohol on any day during a period ("the late night supply period") beginning at or after midnight and ending at or before 6am and must apply to the whole area covered by the licensing authority.
- 3.3 The levy is paid annually by each premises licence holder to the local authority. After deductions for introducing and administering the levy, the rate of the revenue split will be at least 70% to the police, with the remainder being retained by the Licensing Authority.
- 3.4 The police portion of the levy is unrestricted in terms of its use in line with standard practice on the allocation of police funds. However, this portion will be subject to the same transparency measures as those that would normally apply.

- 3.5 The Local Authority must use its portion of the levy on activities, which must be related to mitigating the impact of the supply of alcohol within the specified hours, namely:
- the reduction or prevention of crime and disorder,
 - the promotion of public safety,
 - the reduction or prevention of public nuisance,
 - the cleaning of any relevant highway or relevant land in its area.
- 3.6 Before introducing a levy the Authority must consider the desirability of introducing the scheme and can demonstrate this by the level of crime and disorder issues arising from licensed premises selling alcohol during the levy hours. The levy must apply to the whole of the borough. The Authority therefore needs to consider whether the introduction of a borough wide levy is a proportionate response.
- 3.7 Prior to making a decision to implement the levy, the Authority should have discussions with the Chief Officer of police to decide whether it is appropriate to introduce the levy in its area. If the Authority considers it appropriate, it must then conduct a formal consultation with the police, existing licence holders and any other persons, including residents, about the introduction of any levy.
- 3.8 The consultation should also consider whether the authority needs to apply any exemptions or discounts to the levy and how it will apportion net levy revenue between the police and the Authority. The decision whether or not to implement a levy is left entirely to the discretion of the Local Authority following the consultation responses being considered.
- 3.9 If introduced, the levy applies to all the relevant premises authorised to supply alcohol (which includes both on and off sales) within the borough. The only exceptions are those set by central government that the Council can choose whether they wish to adopt or not. The levy will be collected at the same time as the annual licensing fee.
- 3.10 The following premises are those that the authority may exempt from the requirement to pay the levy:
- Premises with overnight accommodation
 - Theatres and cinemas
 - Bingo halls
 - Community amateur sports clubs
 - Community premises
 - Country village pubs
 - Business Improvement Districts

The authority must also decide what time the levy will apply within an operational window that is restricted to between 12 midnight and 6 am.

4. HOW DOES THE LEVY WORK?

4.1 The levy paid is dependent on the non-domestic rateable value of the premises. This is the same as the existing licence fee structure that is currently set by central government. Table 1 sets this out below:

Rateable Value Bands	A No rateable value to £4300	B £4301 to £33000	C £33001 to £87000	D £87001 to £125000	E £125001 and above	D x 2 *	E x 3 **
Annual Levy Charge	£299	£768	£1259	£1365	£1493	£2730	£4440

* Multiplier applies to premises in band D that primarily or exclusively sell alcohol.

** Multiplier applies to premises in band E that primarily or exclusively sell alcohol.

4.2 In addition to the above, a licensing authority may also offer a reduction of up to 30% to:

- Premises that are in receipt of Small Business Rate Relief and have a rateable value of £12,000 or less. The reduction is only available to premises that supply alcohol for consumption on the premises; and
- Operators who hold membership of a suitable best practice scheme designed to reduce alcohol related crime and disorder.

The possible revenue that could be raised by the levy

4.3 Table 2 sets out the possible levy that could be raised if a levy were to be introduced in Hackney. It should be noted that these are only estimated figures at this stage.

Band	Number of premises	Band Fee	Estimated Maximum Income
A	17	£299	£5,083
B	268	£768	£205,824
C	72	£1,259	£90,648
D	17	£1,365	£23,205
E	25	£1,493	£37,325
Total	399		£362,085

4.4 On 19 February 2016, there were approximately 399 premises that were authorised to sell alcohol between midnight and 6:00am, the majority of which are in non-domestic rateable value band B. If applied for the period, possible maximum income would be £362,085 before

any exemptions, reductions, administration deductions or free variations apply.

- 4.5 It should be noted that in the event of a levy being implemented, operators would be able to apply for a free minor variation to reduce their hours for the sale of alcohol to take them outside the levy period. This could substantially decrease the estimated level of income from the levy.

5. THE 70/30 SPLIT

- 5.1 A key element of the levy is the requirement that 'a specified proportion' of at least 70% of any net revenue collected must be paid to the police. This appears to have made the introduction of a levy unattractive in many areas, along with there being no requirement for the police to use the income in the area in which it was collected.
- 5.2 However, in March 2015, the Home Office published amended guidance on the Late Night Levy. Para 1.41 recommends "...that the licensing authority should use its existing partnership with the police to discuss the police intentions for their share of the levy revenue. We also recommend that the PCC should consider allocating funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised. There is no bar to making a local agreement between licensing authority and the PCC to vary the percentage split by allocating some or all of the PCC's share of the revenue back to local authority initiatives if the PCC so chooses."
- 5.3 In London, this would mean that, subject to agreement from the Mayor's Office for Policing and Crime (MOPAC), the net revenue of the levy may be pooled and a collaborative arrangement may be made between the authority and the police to oversee the use of the funds. It is considered best practice for a board to be set-up to allow the Police and Local Authority to determine how best the revenue is spent. The board should also have licensees represented as well as the police and council.
- 5.4 A number of authorities have already put in place measures that mean the authority effectively has greater control over the net revenue and that all (or almost all) of this revenue is spent on the management and policing of the night time economy in its area.

Newcastle

- 5.5 The levy was introduced in November 2013. The income is still 70/30 between Northumbria Police and the City Council. However, an agreement was made that the income would be pooled and spent within the city of Newcastle upon Tyne. The agreement also includes

the establishment of a Late Night Levy Board to supervise the use of the levy proceeds and that licensees will be represented on the Board.

Islington

- 5.6 LB Islington introduced the levy in November 2014. The Council agreed with MOPAC that the net amount of levy payments will be pooled and a Late Night Levy Board established to oversee the use of funds.
- 5.7 An annual report on the first year of the scheme was considered by Islington's Licensing Committee on 7 March 2016. This has been appended to this report for information.

Camden

- 5.8 Camden Council decided to introduce the levy on 25 January 2016. It has proposed a similar arrangement in that all revenue received is used as a single fund between the Council and police, a proposal supported by Camden police, to be agreed through discussion with the MOPAC.

6. HACKNEY'S VOLUNTARY LEVY

- 6.1 Members will be aware that the Regeneration Delivery team agreed a commitment with a number of licensees in the Dalston and Shoreditch areas to fund the overtime costs of six wardens on Friday and Saturday nights.
- 6.2 There are currently around 40 businesses that participate in the scheme, contributing around £56K per annum. The process for collection is managed by an officer in the Regeneration Delivery Team.
- 6.3 It has been well received by local residents and business and has been pivotal in addressing numerous anti-social behaviour related impacts of the NTE such as street urination and illegal street trading.
- 6.4 This scheme would not continue if the late night levy were to be introduced in Hackney.

7. FACTORS THAT SUPPORT THE INTRODUCTION OF A LATE NIGHT LEVY IN HACKNEY

- 7.1 Hackney is one of the main centres for culture and leisure in London with well over 1000 licensed premises in the Borough. Many of these premises are authorised for alcohol supply, with an estimated 399 able to supply alcohol between 00:00 and 06:00.

- 7.2 The Council has designated the Shoreditch and Dalston areas as suffering from “cumulative impact”. This is due to the significant number of licensed premises concentrated in those areas which is believed to be having a negative impact on the promotion of the licensing objectives.
- 7.3 Evidence gathered as part of the most recent review of the Council’s Statement of Licensing Policy showed what appears to be a correlation between the locations of licensed premises and incidences of robbery, violence and thefts. Evidence also implied that the night time economy and associated markets were potentially influencing these crimes. A number of maps and charts extracted from this data has been appended to this report.
- 7.4 The introduction of the late night levy will produce additional funding to enable the Council and the police to address the impacts and strain on services that occur between midnight and 6am and thus tackle the instances of crime and disorder and anti-social behaviour (ASB) during these hours and possibly help to maintain a clean environment.
- 7.7 If a levy is introduced it would also be expected that a management board would be established locally as a sub-group of the Community Safety Partnership. The board would be responsible for the operational use of the levy resources, in a similar fashion to what Islington and Camden have done. The Borough Commander has indicated that he is broadly supportive of this approach if a levy is introduced.
- 7.8 At the present time any exemptions or reductions appear to be unwarranted. This is supported by evidence that shows that the highest levels of crime and ASB are street based and often difficult to link to individual premises. Therefore, the services that could be provided we will be street based and hence all premises will benefit

8. NEXT STEPS

- 8.1 The decision to consult on and/or introduce a levy would be made by Full Council. If Council approves the consultation the following timeline is anticipated:

- Formal consultation on the levy – August to October 2016
- Council decides on levy – November 2016

The following steps are subject to the Council deciding to introduce a levy:

- Notifications sent to holders of relevant authorisations – December 2016
- Period of free variations – January to February 2017
- Start date of the levy – 1 April 2017

9. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 9.1 This report asks the Licensing Committee to consider whether the Council should formally consult on the introduction of a late night levy in Hackney. The amount of the Late Night Levy (LNL) is set at National Level and will be collected alongside the annual licence fee. The Licensing service estimates the cost of the consultation to be between £1k-£3k and this will be contained within existing revenue budgets.
- 9.2 There are currently around 40 businesses that participate in voluntary scheme in the Dalston and Shoreditch areas, with an estimated contribution of £56K per annum. This scheme would not continue if the late night levy were to be introduced.
- 9.3 The Licensing Service has estimated the existing 399 premises that are authorised to sell alcohol between midnight and 6am. This could therefore generate a maximum gross income of £362,085 (see paragraph 4) from a late night levy. The potential income, in the event of a levy being implemented, may reduce if operators apply to vary their hours to operate outside the levy period. Income would also reduce if the Council applies exemptions or reductions on certain occasions. These are explained in paragraphs 4.2.
- 9.4 The Council would be entitled to retain up to 30% of income receipts after deducting administration costs and exemptions, should a levy be introduced. The eventual percentage allocation and the use of the police's income share will be agreed in negotiations with the Chief Police Officer and MOPAC. The service would need to ensure that any additional costs from the introduction of a late night levy do not exceed the additional income received.

10. COMMENTS OF THE DIRECTOR OF LEGAL

- 10.1 The Police Reform and Social Responsibility Act 2011 ("the 2011 Act") allows the Council to raise revenue on alcohol licensed premises by way of a Late Night Levy (the "Levy"). The powers to introduce the Levy come specifically from within the 2011 Act and not by way of an amendment to the Licensing Act 2003.
- 10.2 In considering whether to introduce a Levy the Council must first consider whether it is worth having the Levy having regard to the current cost of tackling the problems of crime and disorder that are caused by the night time economy from those premises that are licensed for alcohol sales between midnight and 6.00 am.
- 10.3 Any levy imposed must apply to the whole borough and will only apply to those who hold a licence to supply alcohol for the hours that the Levy will operate from. Local Authorities do have a discretion as to the

hours when the Levy can start and finish, although it must be within those hours specified above.

- 10.4 As set-out in the report at paragraph 5.2, the 2011 Act does not prohibit the Local Authority and Police agreeing a separate agreement as to the use of the funds raised for the Police, which is explained in section 5.
- 10.5 Before a levy can be introduced the local authority must comply with the necessary procedural requirements which consist of the following:
- consulting with the police and those licensees that will be affected by the proposed levy
 - placing a notice of the relevant details for the proposed levy on the website and in the local newspaper with a copy of the notice also being sent to police and affected licensees
- 10.6 The case law on consultation states that:
- a consultation must be at a time when proposals are still at a formative stage;
 - sufficient reasons must be given for any proposal to enable intelligent consideration and response;
 - adequate time must be given for such consideration and response; and
 - the product of the consultation must be conscientiously taken into account in finalising any proposals.
- 10.7 Following the consultation should the Council then decide to proceed with adopting the LNL this must be approved by Full Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended in 2013.

APPENDICES

Appendix 1 – Map of premises with licences/certificates authorising alcohol sales between 00:00 and 06:00.

Appendix 2 – Maps/charts extracted from Licensing Policy Evidence Study

Appendix 3 – LB Islington “Late Night Levy – Review of First Year of Operation”

EXEMPT

Not applicable.

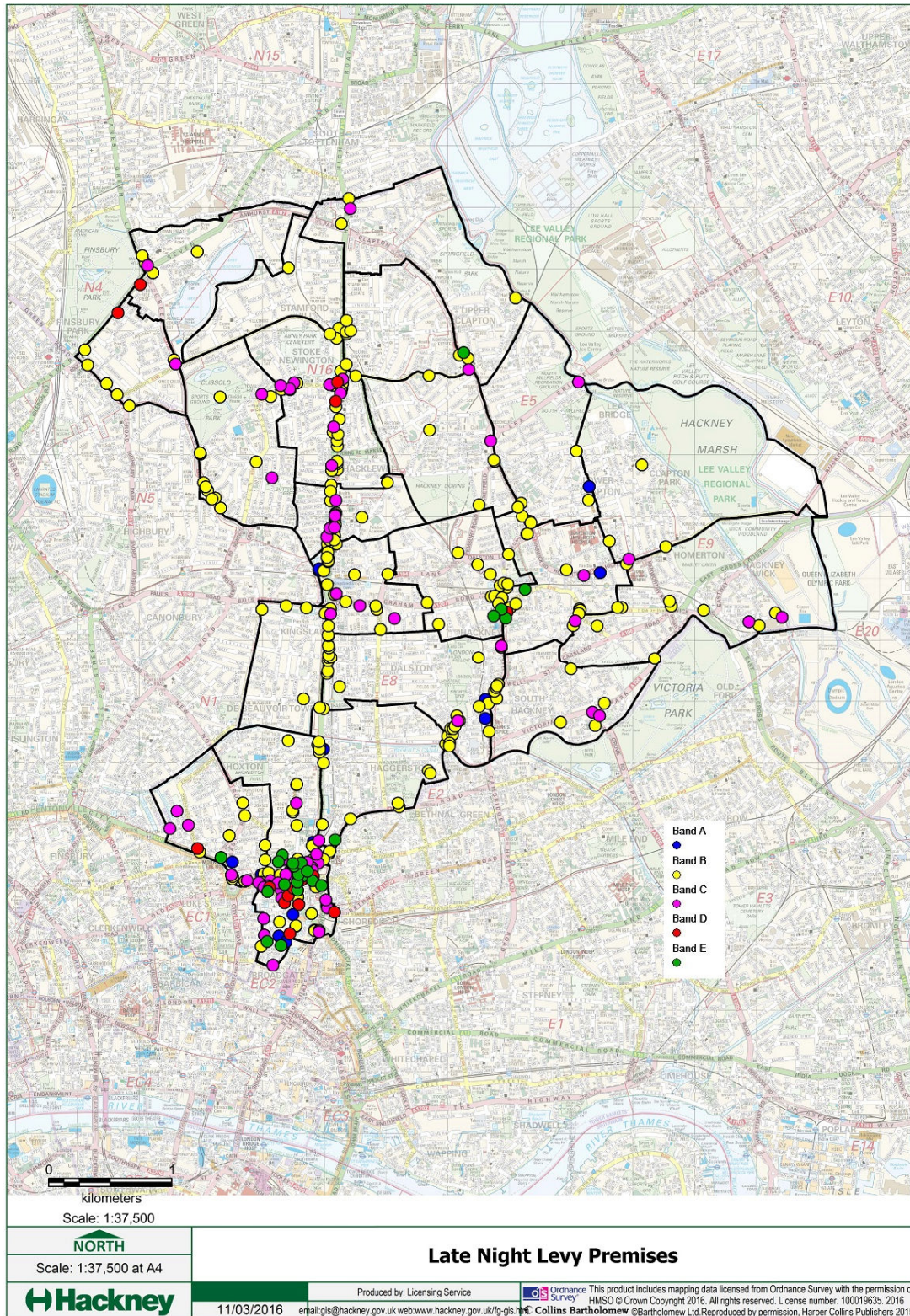
BACKGROUND PAPERS

None

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APPENDIX 1

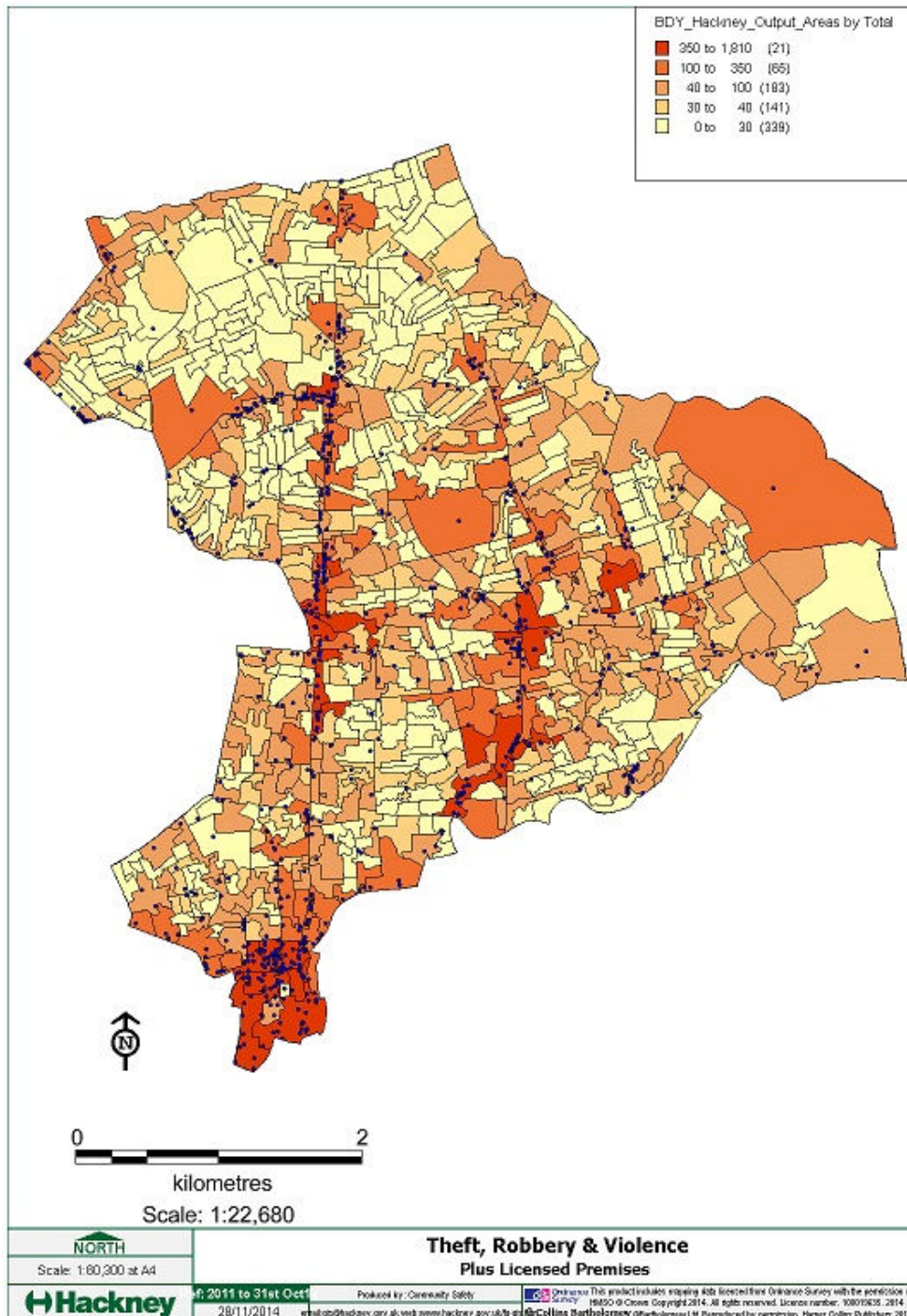
Map of premises with licences/certificates authorising alcohol sales between 00:00 and 06:00.



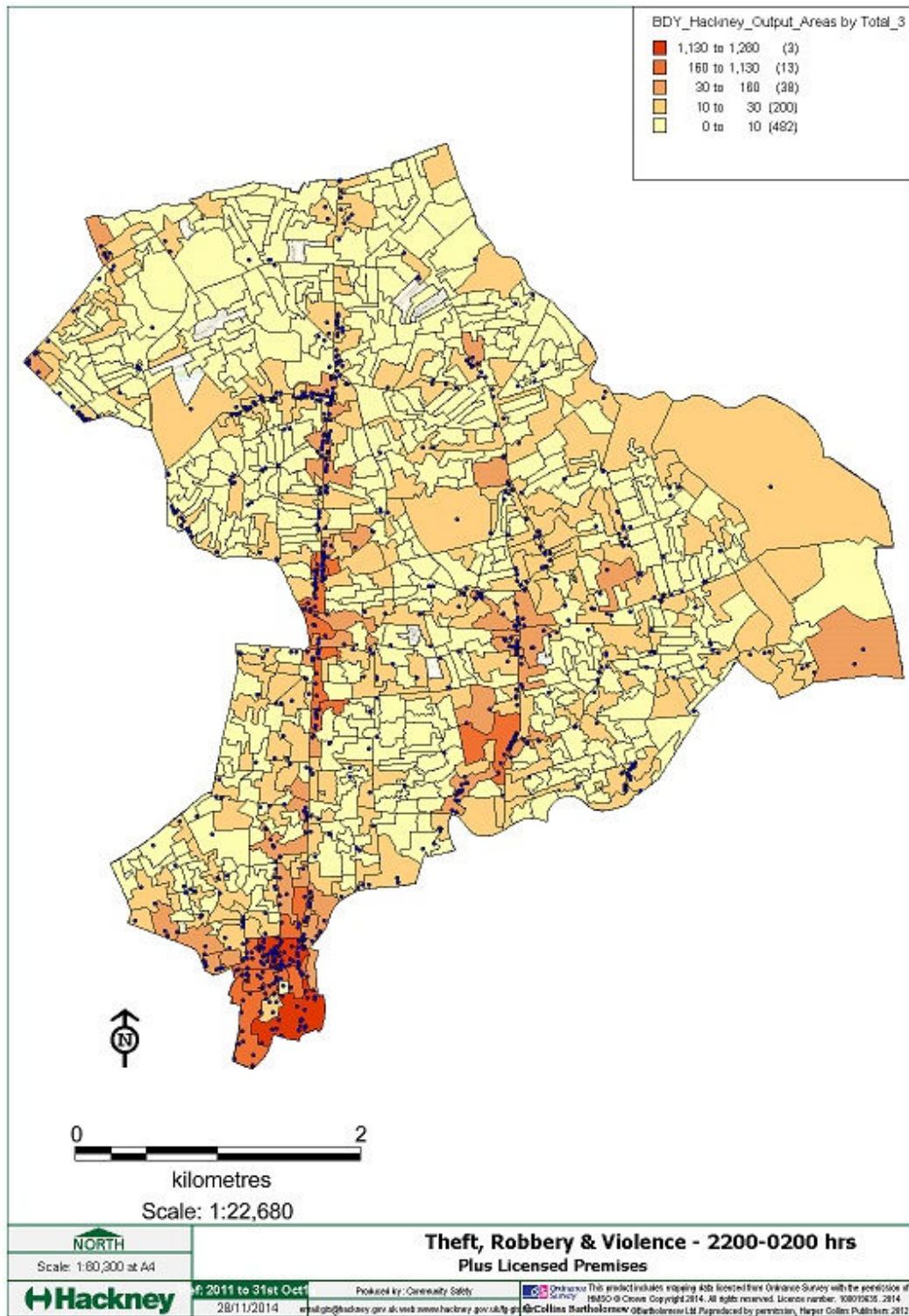
APPENDIX 2

Maps/charts extracted from Licensing Policy Evidence Study carried out in 2014.

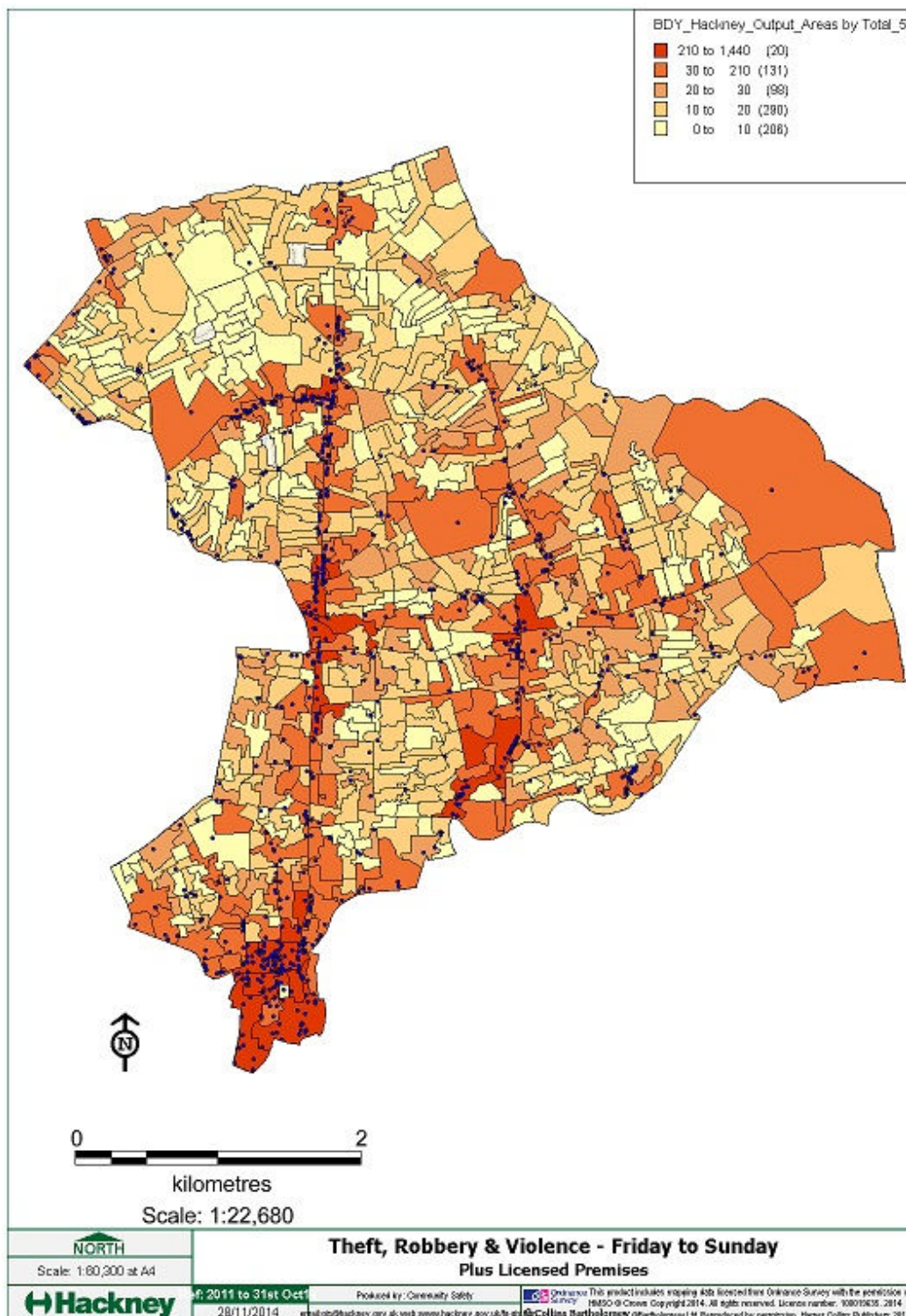
Map 1 – Violence against the person, theft & handling and robbery from 1 January 2011 to 31 October 2014



Map 2 – Violence against the person, theft & handling and robbery between the hours of 2200 and 0200 (1 January 2011 to 31 October 2014)



Map 3 – Violence against the person, theft & handling and robbery – Friday to Sunday (1 January 2011 to 31 October 2014)



Map 4 – Violence against the person, theft & handling and robbery – Friday to Sunday between the hours of 1800 and 0200 (1 January 2011 to 31 October 2014)

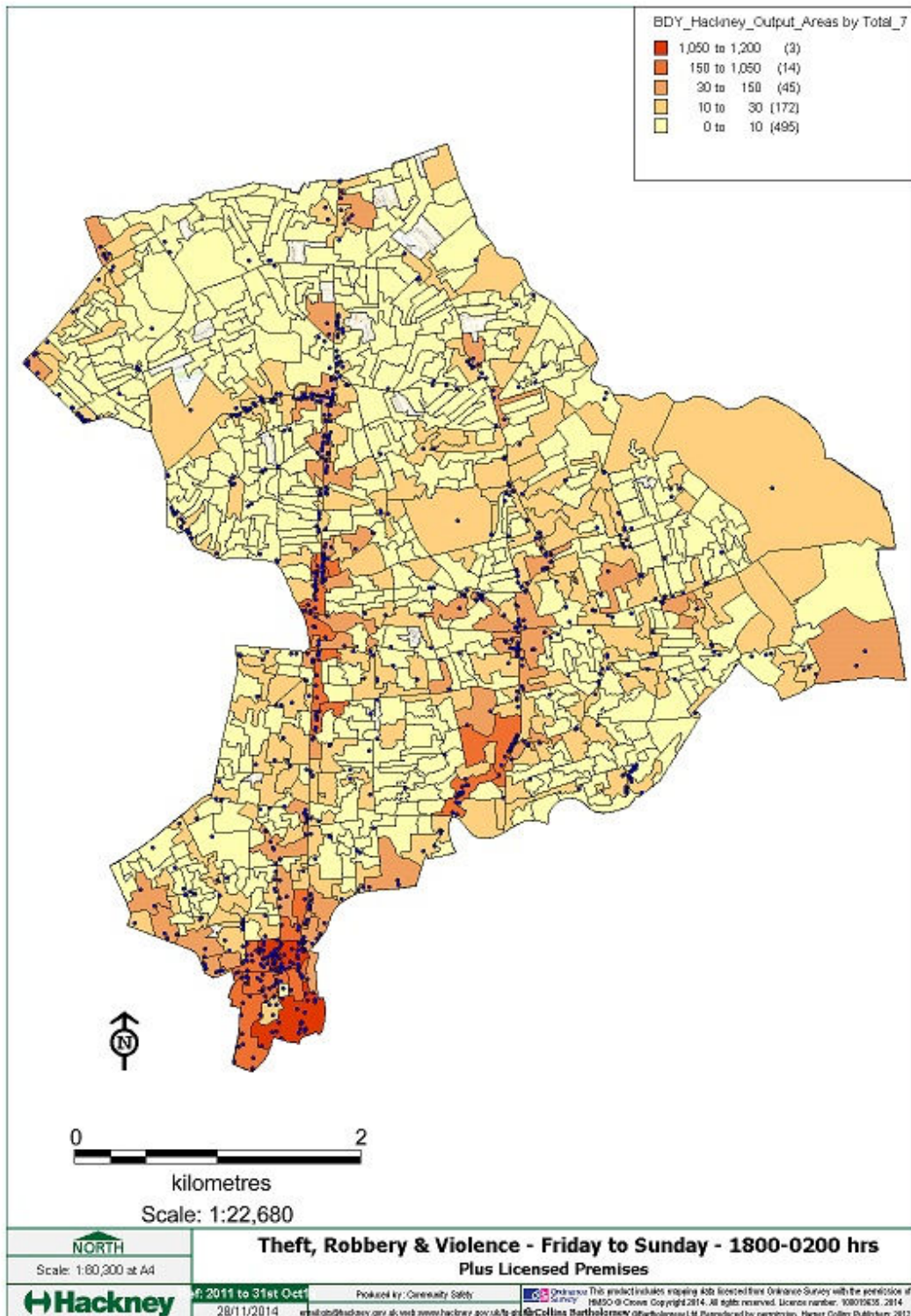


Chart 1: Violence, theft & robbery – by hour of day: weekday versus weekends

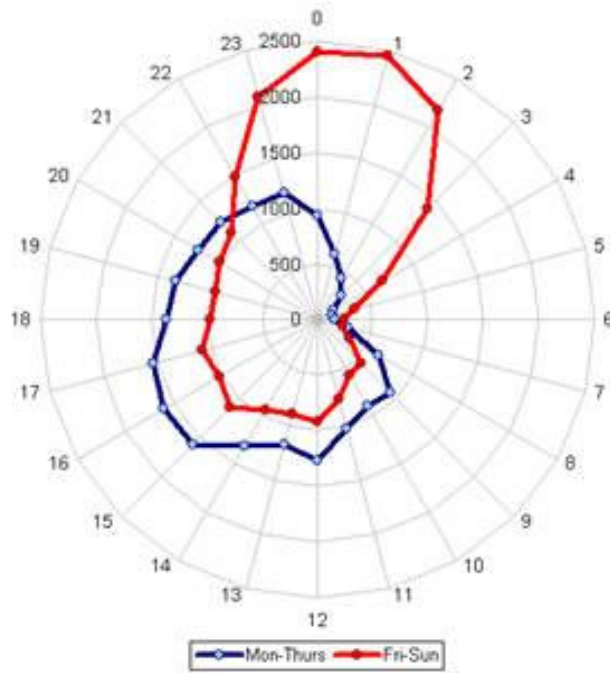
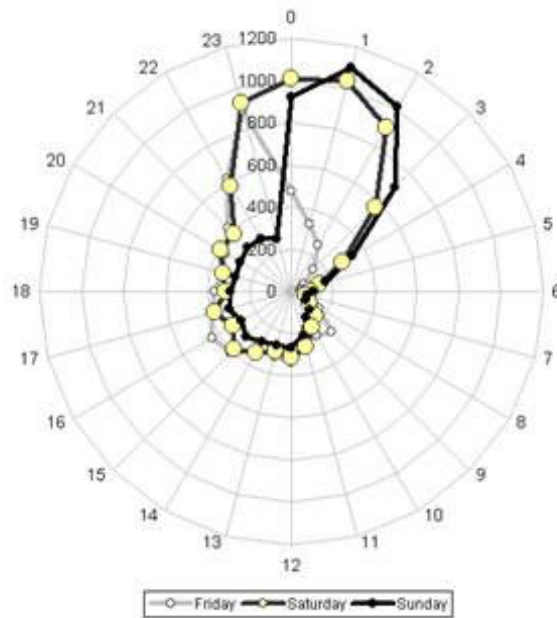


Chart 2: Violence, theft & robbery – by hour of day: weekday versus weekends



LB Islington “Late Night Levy – Review of First Year of Operation”

January 2016

BACKGROUND

Islington Council adopted the Late Night Levy to come into effect on 1st November 2014 and from that date any licence holder permitted sell alcohol after midnight was required to pay the levy. All income raised by the levy must fund activities that benefit the late night economy

From the very outset the Council’s intention has been to use the levy to fund additional uniformed night time patrols and this has been achieved through funding a dedicated multiagency team called Operation Nightsafe.

The overall aim of Operation Nightsafe is to support and promote the late night economy in Islington by:

- providing a safe, welcoming night time environment for residents, workers and visitors
- reducing late night alcohol related crime, disorder, antisocial behaviour and nuisance
- minimising negative impacts on local residents.

Operation Nightsafe has two distinct complementary strands

- The deployment of both a rapid response and intelligence lead policing capability at night and day time follow up action
- The provision of a street based patrolling service, operated by Parkguard, with capacity to support to the licensed trade as well as providing police and medical support

LATE NIGHT LEVY FUNDED ACTIVITIES

Operation Nightsafe – Police

The Late Night Levy funds:

- a dedicated police sergeant to act as a Night Time Economy Coordinator
- a dedicated police constable to work on operational night time activities, and lead on day time follow up and engagement activities

Night time policing is carried out by officers drawn from neighbourhood, emergency and special police constabulary teams. The Night Time Economy Coordinator is responsible for collating intelligence and using this information task and brief officers prior to deployment ensuring that resources target hotspot areas, problem-solving activities and call response. The police utilise various tactics including high visibility pulse patrolling, visiting licenced premises, using of passive drugs dog, taxi-touting operations and CCTV targeted patrols. Funding the Night Time Economy Manager has enabled capacity building resulting in improved consistency and effectiveness of policing the night-time economy particularly in relation to investigation, linking in with CID and reporting issues of concern for day time follow up by Police Licensing Officers.

During the day the dedicate police officers focus on:

- preparing night time briefings
- working with licenced premises to promote and share best practice
- dealing with problematic premises using a range of tools from action planning to reviews
- briefing staff working in late night venues or matters that can reduce crime and improve criminal detection rates for example, crime scene preservation, best practice in door supervision management, providing witness statements, CCTV management

Alcohol Related Domestic Violence

Whilst outside the scope of the Late Night Levy the introduction of the Levy has resulted in the Mayor's Office for Police and Crime match funding the portion of the levy allocated to additional policing. The police have used this funding to recruit an additional two police officers to work in Islington on alcohol related domestic violence.

Operation Nightsafe- Parkguard Night Safe Patrol Team

The Late Night Levy funds the Nightsafe Patrol Team, a four person, police accredited, street based tasking team provided by Parkguard. The team operates four nights per week, usually Thursdays to Sundays and covers the whole borough with locations of work being determined on a nightly basis by intelligence lead tasking, call response and police lead briefings. The Nightsafe Patrol provides:

- a rapid response to requests for assistance from licence holders paying the late night levy
- an early intervention style of approach to minimise demands on the emergency services
- medical and police support where needed
- assistance to members of the public in need
- enforcement action against offenders
- high visibility patrols

The service is unique in that it has filled significant gaps in the management of the night time economy in Islington. The dedicated street based patrol team, resourced by 4 regular officers, provides an early intervention style approach by responding to low level, potential or emerging problems. By engaging with people on the street, supporting door staff dealing with difficult customers and providing a rapid response to licence holder requests for assistance the Nightsafe Patrol Officers interventions invariably prevent escalation requiring emergency services support.

Another gap filled by Nightsafe Patrol officers is their ability to help vulnerable people, many of whom are temporarily vulnerable due to the effects of alcohol. Typical activities have included providing welfare checks and personal safety advice, calling taxis, providing a temporary safe haven, first aid or medical assistance. One officer per shift is trained in first aid to 'first on the scene level' and their skills have been utilised on many occasions to assist a casualty until the ambulance service arrives.

Not only have the Nightsafe Patrol Officers have developed a good working relationship with licence holders and their door staff the team have acquired excellent working knowledge of the night-time economy in Islington and made a significant contribution to information gathered by the police and Local Authority.

During the year Parkguard have strived to improve the service offered through investment in staff and equipment for example in the summer the company invested in a new radio system to allow the Nightsafe Patrol officers to communicate directly with Parkguard operatives working on activities in the borough providing the team more resilience when dealing with situations requiring additional resources.

Late Night Levy Board

The Late Night Board was set up in August 2014 to oversee operation of the Late Night Levy. The Board, chaired jointly by Police Borough Commander and LBI Chair of Licensing, meets four times per year. Businesses paying late night levy were represented by eight licence holders nominated by our pubwatches. There are currently vacancies for licence holders representing late night off licences and food lead venues.

As well as reviewing the previous quarter's Operation Nightsafe activities the Late Night Board provides a useful opportunity for the licence trade to engage with the Police and Council at strategic level on night time economy issues and discussions this year have included:

- Exploring communication options
- Working together to embed the early intervention strategy
- Sharing best practice on selecting and managing contracted door staff
- Balloon seller enforcement strategy

LATE NIGHT LEVY ACHIEVEMENTS

The Late Night Levy has enabled us to strengthening the partnership between the late night licenced trade, police and local authority through the support services provide by Parkguard and the targeted deployment of additional police resources at night.

Feedback from licence holders indicate that they welcome the creation of the late Night Levy Board as this has given them an opportunity to contribute to strategic discussions regarding the management of the late night economy with senior police and local authority officers and councillors as well as monitoring activities funded by the Late Night Levy.

Prior to the introduction of the Levy there was no capacity to adopt an early intervention approach. Parkguard has filled this gap by helping vulnerable people in the street and by working collaboratively with licence holder to demonstrate the benefits of providing a reactive response to potential or low impact issues of concern.

Levy funding has resulted in improved intelligence gathering through the collation of information from the Police, Parkguard, Local Authority Antisocial Behaviour, CCTV and Licensing Teams as well as licence holders reporting issues of concern. This information feeds into the nightly police lead briefing and tasking process.

Police

- Targeted deployment of dedicated police night time economy teams Thursdays to Sundays
- 178 arrests for various offences including GBH, ABH, Affray Possession of Drugs, Taxi Touting and other Public Order offences
- Responded to 410 calls to 999 or 101 from licenced premises regarding violence, public order, drugs, weapons, theft
- Responded to 72 minor variation applications to amend licence terms and conditions
- Audited medical facilities of 7 late night venues in conjunction with the London Ambulance Service
- Conducted 20 multi-agency licence premises visits
- Executed 2 warrants for misuse of drugs
- Carried out enforcement activities in 7 dispersal zones
- Applied for and enforced 3 closure orders
- Called in 32 premises to the Licensing Officer Panel for action planning purposes

- Utilised the review process with respect to 10 licenced premises to either revoke the premises licence or impose additional licence conditions.

Parkguard

Appendix 2 contains Parkguard's comprehensive review of Operation Night Safe Patrols activities during the first 11 months of operation to 31 October 2015

Key headline achievements are:

- Health and welfare checks of 316 people found vulnerable due to excess alcohol or drug use resulting in ill health or incapacity
- Provided medical assistance on 161 occasions preventing 54 ambulance callouts and 72 attendances at A&E
- Dealt with 365 incidents involving violent or aggressive behaviour preventing assault occurring on 207 occasions
- Generated 59 arrests, which is a significantly high figure considering that the primary focus of the patrol is prevention, supporting levy payers, police and local authority
- Requested/directed/ dispersed 451 to leave an area and warned or advised 738 about conduct
- Liaised on 2295 occasions with door staff/DPS/licence holders to provide support and advise on operational effectiveness
- Engaged with 90 taxi touts
- Visited all premises paying the late night levy to promote the service provided by Parkguard and received 98% satisfaction rate for the service
- Responded to 226 calls for assistance from door staff/DPS/licence holders

Balloon Sellers

Since Nov 2014, there has been a steady rise in the reports of nitrous oxide balloon sellers operating in several key areas of the borough, The initial control strategy tasked Parkguard Nightsafe Patrol Officers to disrupt and deter balloon sellers through patrolling hotspots and engagement. Although initially this approach appeared to be successful, dispersal was only temporary as balloon sellers became more confident and started returning to the area as soon as the Patrol Officers left.

During the summer, balloon sellers were linked to an increase in reported violence with intent and theft offences in the Charterhouse Street area. The Police responded by using dispersal order powers and organising a 2 week operation to identify and prosecute balloon sellers which, although a number of offenders have been identified for prosecution, again resulted in only a temporary disruption as the number of balloon sellers increased once the operation ended.

A further joint enforcement operation, lead by Islington Street Trading Team, has been set up to take place during December 2015 and January 2016 to deal with a new wave of balloon sellers with the intention to collect sufficient evidence to apply for injunctions to ban offenders from the area.

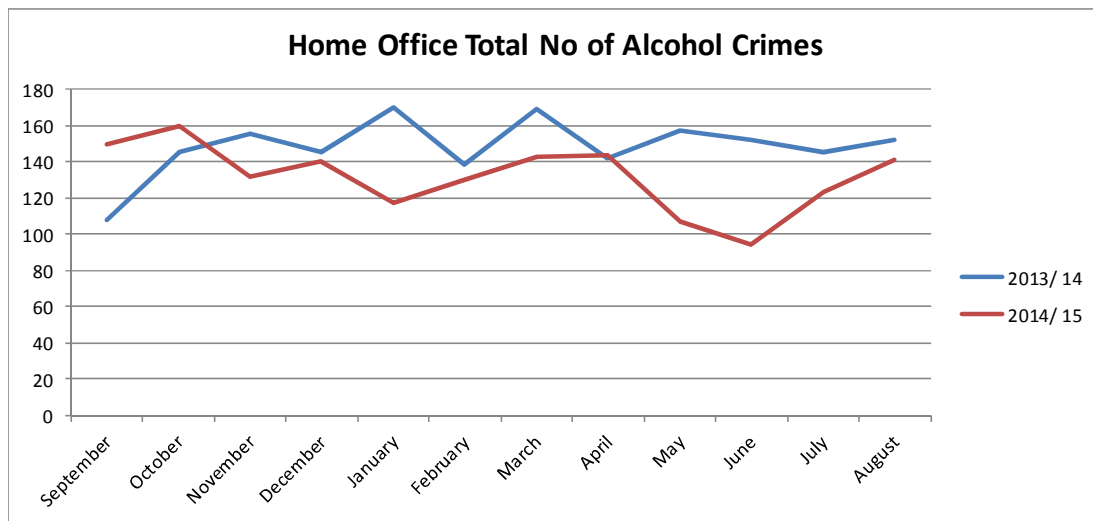
IMPACT ON ALCOHOL RELATED CRIME AND DISORDER

Islington's Crime Data Analysts have examined the data for alcohol related crime and disorder for the first year of the Levy and compared this with the previous 12 months.

Overall there has been a 17% reduction in alcohol related crime since November 2014 and a 17% reduction in alcohol related crime between the hours of midnight and 8am. Violence continues to be the most frequently recorded crime type associated with alcohol; however levels have reduced by 14.4% over the last year.

Although there will be other factors that have contributed to this reduction Operation Night Safe has played an important part.

The chart below compares alcohol related crime by month for the period September 2013 to August 2015.



Source: Islington Alcohol Crime Profile Sept 2014 to Aug 2015, LBI Community Safety Unit

The chart shows that

- since October 2014 alcohol crime levels have consistently been below the previous year's monthly figures
- the traditional seasonal peak in alcohol crime levels during December/January and May did not occur in 2014/5.

Call levels to the both the police (999 and 101) and the council's ASB reporting line regarding alcohol related incident have increased by 29-30% over the last year, particularly in relation to calls coded as rowdy / drunken behaviour, which increased by nearly 100%. This indicates that the demand on night time response services in Islington has increased over that last 12 months and provides further evidence to use levy funding to support Operation Nightsafe.

LATE NIGHT LEVY INCOME AND EXPENDITURE

At the start of the levy year on 1 November 2014 it was estimated that 386 premises would be liable to pay the levy raising an estimated income of £441,966

At the end of the levy year (31 October 2015)

352 licenced premises were liable for paying the levy

338 had paid the levy raising an income of £397,278

Of the 14 that have not paid the levy yet 8 premises have had their premises licence suspended for non-payment of licence fees and 6 are the subject of administrative queries that are in the process of being resolved.

Thirty five licence holders operated businesses that were compliant with the Best Practice Scheme and received a 30% reduction in their levy payment.

The cost of Policing and Parkguard was £368,000. Included in this figure is an underspend on the Parkguard contract. We have agreed that this underspend will be carried over to the second year of the levy allowing us to fund additional patrols and the deployment of an dedicated medical support team during December 2015. The remaining under spend will be used to support other targeted activities during 2016.

The Council is permitted to deduct late Night Levy administrative costs from Levy income however, it was decided that these costs will be absorbed in its mainstream budget and this approach was been endorsed by the late Night Levy Board on 3 November 2014.

At the end of the levy year there was surplus of £24,278.

The surplus will be carried over and used to fund any additional activities that the Late Night Levy Board believe will benefit the night-time economy.

Late Night Levy income and expenditure is summarised in Appendix 1

LOOKING FORWARD TO 2016

Year 2 of the levy runs from 1 November 2015 to 31 October 2016 and for this period we estimate that 352 licence holders will be eligible for paying the levy raising £397,278 in income.

The strategic objectives set for year 1 will continue through to year 2 but proposed operational improvements include:

1. Extending shift pattern of police officers working on the balloon sellers operation during December 2015 and January 2016 (Police)
2. Introducing targeted use of Police drug dog patrols (Police)

3. Targeted deployment of specialist Parkguard support services (including the mobile office as a safe haven during the lead up to Christmas) (Parkguard)
4. Establishing a network of night time safe havens (Police)
5. Further develop knowledge and skills of all Operation Night Safe Officers through briefing and training (Police and Parkguard)
6. Support the licenced trade by developing an intelligence bulletin to be delivered by Police Officers (Police)

APPENDIX 1

Late Night Levy Year 1: Income and Expenditure

1. Income

On 20 January 2016 338 premises licence holders had paid the LNL providing an income of £397,272.

2. Expenditure

1 Nov 2014 to 31 Oct 2015

Local Authority Administrative costs (waivered)

£0

Nightsafe Operation Police and Parkguard committed expenditure*

£368,000

Surplus to be carried over to 2016/7

£24,278

*NB this figure includes underspend of £43,000 committed expenditure on Parkguard contact that will be used to pay for additional Patrols during December 2015- Oct 2016

3. Reconciliation of projected income with actual income

At start of levy year on 1 November 2014, we identified 386 premises as selling alcohol beyond midnight giving us a projected maximum income of £441,966.

Difference between actual and projected

The shortfall of 48 premises and £44,694 income is due to:

Reason	Number of premises	Income
Administrative errors- data extraction and inclusion of exempt hotels	6	£6783
Minor Variation applications to reduce hours received after 1/10/14 deadline	8	£7360
Premises no longer trading – licence revoked, surrendered, lapsed and unlikely to reopen	20	£17346
Licence suspended for non-payment of LNL and subject to follow up enforcement action and debt recovery	8	£6144*
Administrative queries that should result in LNL being paid once resolved	6	£7061*
Total	48	£44,694

*some of this lost income is recoverable

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REVISED POOL OF MODEL LICENCE CONDITIONS	
LICENSING COMMITTEE 30 JUNE 2016	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 The appendix attached to this report presents a revised pool of conditions that provides model wording which applicants, responsible authorities and others can use when making an application or a representation in relation to an application. The pool of conditions will also be available to Licensing Sub-Committee members to assist them when deliberating on decisions.

2. RECOMMENDATION(S)

2.1 The Licensing Committee is recommended to:

- (i) **note the revised Pool of Model Licence Conditions at Appendix 1.**

3. BACKGROUND

- 3.1 On 26 March 2012, the Licensing Committee were presented with a revised Pool of Conditions. These were noted and were to be updated on a rolling basis.

- 3.2 The Licensing Act 2003 (“the Act”) states that:

*“Where the relevant licensing authority...receives an application for (or variation of) a premises licence/club premises...the steps are to –
“...grant the licence/club premises certificate/variation subject to the conditions...”*

- *derived from the operating schedule (including any that are modified, altered or omitted)*
- *any new conditions*
- *mandatory conditions*

- 3.3 There are effectively four types of condition that are attached to a licence or certificate: mandatory, proposed, agreed and imposed. Proposed conditions will emerge from the operating schedule, agreed conditions are those that are normally agreed between the applicant and any party that has made a representation and imposed conditions derive from relevant representations at a sub-committee hearing along with the mandatory conditions.

- 3.4 The Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided unless it is appropriate for any such condition to be applied to the licence.

- 3.5 A person commits an offence if he/she carries on or attempts to carry on a licensable activity other than in accordance with an authorisation (i.e. a premises licence, a club premises certificate or temporary event notice). A person found guilty of an offence can receive an unlimited fine and/or be jailed for up to six months. It is therefore important to ensure that any conditions attached are enforceable and unambiguous.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

The Licensing Committee is asked to note the revised Pool of Model Licence Conditions at Appendix 1. Any additional work due to changes in conditions, will be managed within the existing budgets in Regulatory Services.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 Conditions can only be included on a licence when it is appropriate to do so as set-out in the Licensing Act 2003 ('the Act').
- 5.2 The Act's Statutory Guidance (known as the S.182 Guidance) states that when considering the merits of an application conditions should only be attached to the licence when it is appropriate to place restrictions on the licence having regard to the four licensing objectives.
- 5.3 Any conditions imposed should be expressed in unequivocal and unambiguous terms to avoid legal dispute. They should be proportional in terms of being tailored to the size and characteristics of the premises, as well as to the activities taking place. Conditions should not seek to duplicate existing statutory provisions.
- 5.4 The pool of model conditions should assist the applicant, any other party involved in the application or the relevant Licensing Sub-Committee in determining what additional measures should be put in place, if any, to assist in regulating the licensable activities that are or will be taking place at the premises. The aim should be for these model conditions to only be used when it is promoting the licensing objectives and is appropriate, relevant and proportionate to do so.
- 5.5 It is noted that the pool of conditions will be amended and/or updated on a rolling basis.

APPENDIX

Appendix 1 – Pool of Model Licence Conditions

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

Report Author	David Tuitt Team Leader – Licensing (Policy and Operations) david.tuitt@hackney.gov.uk ☎ 020 8356 4942
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Comments of the Director of Legal	Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk ☎ 020 8356 6295



London Borough of Hackney

Licensing Act 2003 – Pool of Model Licence Conditions

1.	Summary	
2.	How to use this document	
3.	Alcohol	
4.	Building Management	
5.	CCTV	
6.	Drugs	
7.	General Management	
8.	Noise and Odour Management	
9.	Outdoor Areas	
10.	Preventing Underage Sales	
11.	SIA and Security	
12.	Waste Management	

Summary

This pool of conditions has been provided to help applicants applying for a new premises licence or club premises certificate or to vary an existing licence to prepare their operating schedule ensure that when licensable activities are taking place the four licensing objectives are promoted.

Conditions attached to a licence or certificate are the steps or actions the holder of the premises licence or the club premises certificate will be required to take, or refrain from taking, at all times when licensable activities are taking place at the premises in question.

The attachment of conditions to a premises licence, or club premises certificate, will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc., Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999, and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary.

How to use this document

This pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.

Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous. Further, such conditions should be open, transparent and reasonable.

Conditions should not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size, style, characteristics and activities taking place at the premises concerned.

For a condition to be relevant it must promote one or more of the licensing objectives. These are:

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

The conditions in the tables below have been designed for the use by applicants in preparing their operating schedules. Each table lists conditions which aim to address issues that commonly arise at licensed premises. The conditions are arranged as follows:

	CD	PS	PN	PC
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CD – conditions to promote the prevention of crime and disorder

PS – conditions to promote public safety

PN – conditions to promote the prevention of public nuisance

PC – conditions to promote the protection of children from harm

In some cases, conditions will overlap and relate to more than one of the objectives.

Alcohol

		CD	PS	PN	PC
1	No beer, lagers or ciders exceeding 6.5% alcohol by volume (ABV) shall be sold or supplied at the premises.	—			
2	No single cans or bottles of beer, lager or cider shall be sold or supplied at the premises.	—			
3	No “miniature” bottles of spirits of 50ml or less shall be sold or supplied at the premises.	—			
4	Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.	—			
5	Consumption of alcohol in the bar area is restricted to customers waiting to be escorted to a table.				
6	Numbers of patrons in the bar area (not awaiting tables) shall not exceed <i>[Insert]</i> persons.				
7	Any alcohol sold or supplied [for consumption off the premises] must be in a sealed container.				
8	Any sales of alcohol shall be charged at no less than £0.50 per unit of alcohol. The licence holder will prepare a price list calculating the units for each available produce, which shall be made available to the Police or Licensing Enforcement on request.				

Building Management

		CD	PS	PN	PC
1	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number], subject to the following maximum occupancies: For example: [First Floor] [number] persons [Ground Floor] [number] persons [Basement] [number] persons				
2	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed <i>[number]</i>				
3	Sanitary accommodation shall be provided in				

	accordance with BS 6465-1:2006+A1:2009 Sanitary installations - Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances standard for sanitary provisions or any British Standard replacing or amending the same.				
4	The edges of the treads of steps and stairways shall be maintained so s to be clearly visible.		—		
5	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.		—		
6	The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.		—		
7	The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.		—		
8	All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.		—		
9	All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.		—		
10	The certificates listed below shall be submitted to the Licensing Authority upon written request: <ul style="list-style-type: none"> • Any permanent or temporary emergency lighting battery or system • Any permanent or temporary electrical installation • Any permanent or temporary emergency warning system 		—		

CCTV

		CD	PS	PN	PC
1	The licensee shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any	—	—	—	

	light condition. The CCTV system shall as a minimum continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be provided immediately upon the request of Police or authorised officer throughout the preceding 31 day period.				
2	No less than one member of staff who is able to operate the CCTV system shall be on the premises at all times.	—	—		
3	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff.	—		—	
4	An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will as a minimum record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.	—	—	—	—

Drugs

		CD	PS	PN	PC
1	The licensee shall operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons policy where appropriate. Prominent signage shall be displayed by every entrance and exit detailing the drugs and weapons policies.	—	—		
2	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.	—	—		
3	A secured, lockable drug box must be installed at the venue. Police attendance must be	—			

	requested for removal of the contents.				
4	Police and LBH contracted drugs dogs or drug detection equipment will be given immediate access to the premises without notice for the purpose of detecting and reducing incidences of drug misuse.	—	—		

General Management

		CD	PS	PN	PC
1	A record shall be kept detailing all refused sales of alcohol. The refusals book will be maintained at the premises and will be available for immediate inspection upon request by a representative of the statutory authorities upon request. Such refusals book to is to be inspected and signed by the DPS or, in the absence of the DPS, by an alternative member of store management at intervals not exceeding seven days. All occasions when persons have been refused service shall be recorded and kept at the premises for not less than 12 months after the last entry recorded.	—		—	—
2	The licensee shall display the telephone number/email address of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.	—	—	—	—
3	Toilets to be checked for evidence of any crime regularly throughout the day and at least hourly after [insert hours]. Records of these checks are to be documented and retained for no less than 31 days and shall be provided to the Police upon immediate request.	—	—		
4	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.	—		—	
5	Plastic and/or toughened glass vessels shall be used for the consumption of drinks, intoxicating and non-intoxicating, at [insert times/all times].	—	—	—	—
6	No glass receptacles containing beverages	—	—		

	whether open or sealed, shall be given to customers on the premises whether at the bar or by staff away from the bar.				
7	No entry to or re-entry to the premises after [time] by members of the public or guest of friends of members of staff or the premises licence holder. (except those patrons who have temporarily left the premises to smoke.)			—	
8	No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009, shall be provided.	—	—		—
9	Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.		—		
10	At least one member of staff who has received first-aid training from a HSE approved trainer shall be on duty when the public are present.		—		
11	Seating for no less than [number] persons shall be provided in the premises at all times the premises are in operation.				
12	Seating for no less than (insert) % of the maximum occupancy shall be provided in the premises at all times the premises are in operation.				
13	There shall be a written dispersal policy, a copy of which shall be kept on the premises and made available to police or other authorised officer upon request.				
14	Measures to be implemented to prevent theft. These measures may include, but may also not be limited to the following: Bag clips/hooks Property patrols Notices advising patrons that thieves operate in the area.				
15	Substantial food shall be available at all times.				

Noise and Odour Management

		CD	PS	PN	PC
1	Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers			—	

	requiring customers to leave the premises and the area quietly.				
2	Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.			—	
3	All external doors and windows shall be kept closed, other than for access and egress, when regulated entertainment is taking place.			—	
4	Background music shall not exceed a level that allows face to face conversation at normal speech level.			—	
5	A detailed acoustic report should be carried out by a competent person and should be submitted to the Licensing Service [within <i>timeframe</i>]. Recommendations in the report should be approved by the Pollution Control Team and completed prior to any regulated entertainment taking place.				
6	All music systems shall be routed through a sound limiting device. The limiting device(s) should be set to ensure inaudibility in all nearby residential premises, a certificate of compliance should be submitted to the pollution group. The device shall be controlled by the licensee/management and kept in a locked, tamper-proof box.			—	
7	The sound limiting device must be recalibrated annually to ensure that the music is inaudible in nearby residential premises prior to the anniversary (of the grant of licence/variation/review).			—	
8	All speakers must be isolated from the structure of the building to prevent the transmission of vibration. The final specification should be approved by the Pollution Control Team before installation.			—	
9	The noise level from the premises whilst being used for regulated entertainment shall not exceed [insert limit] measured at any point(s) [insert location].			—	
10	Music noise from the licensed premises as measured spatially averaged within the habitable areas of the attached residential noise sensitive premises (measured at a height of 1.2 metres and 0.5 metres from any reflecting surface) at any time shall not cause any increase in the measured real time Leq(1min) 1/1 octave band sound pressure level centred on the frequencies [frequencies]			—	

	and overall 'A' weighted levels when compared with the existing background noise equivalent Leq(1min) ('A' weighted levels, [frequencies]) to the levels at each of the following residential premises; (insert details)				
11	Measurements should be taken in the same noise sensitive premises at a similar time without the music from the licensed premises in operation or at such level as not to cause noise nuisance, as determined by the council's Noise Pollution Team.			—	
12	Amplified music shall be played within the licensed premises during permitted hours through an in house sound system which shall be fitted with a sound limiter set to an internal reverberant sound level limited to LAeq [level] dB, as measured at the mid-point of the licensed premises bar at a height of 1.2 metres. In addition the system shall be limited via the in-house limiter to control the frequencies [frequencies] as measured in the same position as above, in real time simultaneous Leq (1min) 1/1 octave band sound pressure level. These levels should be set to correspond with levels in condition 1, above.			—	
13	The setting up of level controls of such devices shall take place before any amplified music is played and be carried out under the supervision of an acoustic consultant registered with the Institute of Acoustics who will provide a certificate of the completion and verification of the calibration and set up. The initial set up is to be witnessed by Council officers.			—	
14	An annual check to the effectiveness, with re-calibration where necessary, of the devices shall be undertaken by an acoustic consultant registered with the Institute of Acoustics, who shall provide a certificate of verification of the calibration and set up, both initially and annually, to be provided to the Council's Pollution Control Team within 21 days of the check of effectiveness.			—	
15	Such noise control devices or automatic volume control systems shall be secured within robust lockable security enclosure, or similar, to prevent unauthorised access to and tampering with the controls. In the case of computer controlled systems they shall only be			—	

	accessed by an authorised Sound Engineer under the supervision of an acoustic consultant registered with the Institute of Acoustics authorised for this purpose by the Company. All changes shall be reported to the Council as soon as practicable after the event.				
16	For residential premises directly attached to a licensed venue, these levels shall be measured with all residential windows closed and windows should be in a single or double glazed configuration only. Secondary internal panes should be opened or removed during measurements. For all other cases i.e. buildings separated from the licensed premises windows should be slightly open for ventilation.			—	
17	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.			—	

Outdoor Areas

		CD	PS	PN	PC
1	Patrons shall not be permitted to take glass off the premises/into external areas of the premises.	—	—	—	
2	No more than [insert number] of patrons will be permitted in the designated smoking area at [any time/after insert time]	—		—	
3	Use of outdoor area (shown on the plan) shall cease at [time].			—	
4	The designated smoking area shown on the plan, shall be de-lined by a physical border.				

Preventing Underage Sales

		CD	PS	PN	PC
1	A record shall be kept detailing all refused sales of alcohol. The refusals book will be maintained at the premises and will be available for immediate inspection upon request by a representative of the statutory authorities upon request. Such refusals book to is to be inspected and signed by the DPS or, in the absence of the DPS, by an alternative member of store management at intervals not exceeding seven days. All occasions when persons have been refused service shall be	—		—	—

	recorded and kept at the premises for not less than 12 months after the last entry recorded.				
2	All store staff who are engaged or employed as cashiers will receive formalised training in the sale of age restricted products and training records evidencing such training will be kept and maintained in store, available for inspection by a representative of the statutory authorities for not less than 2 years. Such training is to be refreshed at intervals not exceeding [six/twelve] months.	—			—
3	Where a person appears to be under the age of [insert age] identification in the form of a passport, photo driving licence or a proof of age card bearing the PASS hologram will be sought and if not provided service of alcohol shall be refused.	—			—
4	Prominent, clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale indicating that where a person appears to be under the age of [25] identification will be sought and if not provided service of alcohol will be refused.	—			—
5	Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.	—			—
6	A till prompt will appear on the initial sale of alcohol that will reminded the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.	—			—
7	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.	—			—
8	Children under the age of ** years shall not be allowed on the premises after **: ** hours unless accompanied by an adult.				—
9	Children under the age of ** years shall not be allowed on the premises.				—

SIA and Security

		CD	PS	PN	PC
10	The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an	—	—		

	agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than [insert period].				
11	A minimum of (X) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	—			
12	At least (X) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.	—			
13	All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.				
14	Every person entering the venue should be counted in and out with a counting device to ensure that the maximum accommodation limit is not exceeded.	—	—		
15	Every new patron entering the venue will be searched upon entry after [time].	—			
16	Door supervisors shall be employed at a ratio of xx patrons. At least one member of the door staff shall be female.	—			
17	All door staff stationed at the front entrance shall wear high visibility jackets or vests. All security staff stationed in internal areas of the premises shall wear high visibility armbands.	—			
18	Club Scan (or similar identification scanning device) is to be installed and maintained at the premises and shall operate [insert times/days].	—			

Waste Management

		CD	PS	PN	PC
1	The licensee shall undertake a litter patrol at hourly intervals in [state xx radius/perimeter/pre-determined area] to collect any litter associated with the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.	—		—	
2	Waste collections shall be restricted to [time] and [time] and on xx days of the week/weekend.			—	
3	No refuse and/or bottles are to be placed in external receptacles or in areas outside the			—	

	premises after 2300/between [xx:xx and xx:xx].				
4	<p>The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing on the [insert location] façade of the premises. This should remain unobstructed at all times and should clearly identify:-</p> <ul style="list-style-type: none"> • the name of the registered waste carrier • the date of commencement of trade waste contract • the date of expiry of trade waste contract • the days and times of collection • the type of waste including the European Waste Code 				
5	All staff are to be fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.				
6	Any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. An adequate supply of waste receptacles shall be provided (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.				
7	Where premises are situated in an area where time banded waste collections waste must be kept within the premises until such time as its waste carrier arrives to collect the refuse.				
8	Signage to be erected asking customers to refrain from littering the public highway outside the premises.				

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LICENSING SERVICE – ANNUAL REPORT	
LICENSING COMMITTEE 30 JUNE 2016	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Committee of the activities and performance of the Service during the 2015/16 municipal year and to show aims and targets for the forthcoming 2016/17 year.

2. RECOMMENDATION(S)

- 2.1 The Licensing Committee is recommended to note the report.**

3. BACKGROUND

- 3.1 The Licensing Service has been preparing annual reports to the Licensing Committee on its statistics since 2009. This report provides an update on the main operational functions of the Licensing Service in terms of applications and enforcement and refers to 2015/16. It also includes a look forward to 2016/17.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 4.1 This report informs the Licensing Committee of the activities and performance of the Service during 2015/16. The report is retrospective, and therefore has no immediate financial implications.
- 4.2 The Licensing Service generated an annual income of £720k in 2015/16, against a budgeted income of £581k. Expenditure was £796k against a budgeted expenditure of £758k. The borough wide review of enforcement services may require a re-alignment of the Licensing service budgets.
- 4.3 The Licensing Service will continue to review all locally set fees to ensure they are reasonable and proportionate in accordance with LGA guidance, and review the costs related to the collection of fees regulated by the Licensing Act 2003.
- 4.4 The Service aims to manage the impact of any legislative changes within the available revenue budgets.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.
- 5.2 Notwithstanding paragraph 5.1 it should be noted that since the last report legislative changes has resulted in the following;

- Personal Licences are now valid indefinitely, as opposed to being renewed every 10 years;
- The Immigration Act 2016 amends the Licensing Act 2003 to include amongst other things includes:
 - i) the Secretary of State will become an Responsible Authority,
 - ii) an application for a premises licence cannot be made by someone who isn't 'entitled to work in the UK',
 - iii) any granted licence will lapse if the Premises Licence Holder ceases to be 'entitled to work in the UK',
 - iv) notice of a transfer should be given by the Secretary of State who can reject it if it is 'appropriate for the prevention of illegal working in licensed premises to do so', and
 - v) a review of a premises licence can be triggered from the court following an illegal working closure notice.

5.3 There are a number of other proposed changes that are currently being considered by Parliament along with a House of Lords select committee appointed on 25th May 2016 to consider the Licensing Act 2013. The select committee is expected to report back before 31st March 2017.

APPENDICES





Appendix 1 – Annual Statistics/Mayor's Manifesto commitments / Look ahead - projects

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

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Licensing Service

Annual Report 2015/16

Contents

1. Introduction
2. Licensing Act 2003
3. Gambling Act 2005
4. Highways Act 1980
5. Massage and Special Treatments (MST) Licences
6. Summary of Key Activities
7. Licensing Enforcement
8. Look back / Projects
9. Planned Activity for 2016/17

APPENDIX – SUMMARY TABLES

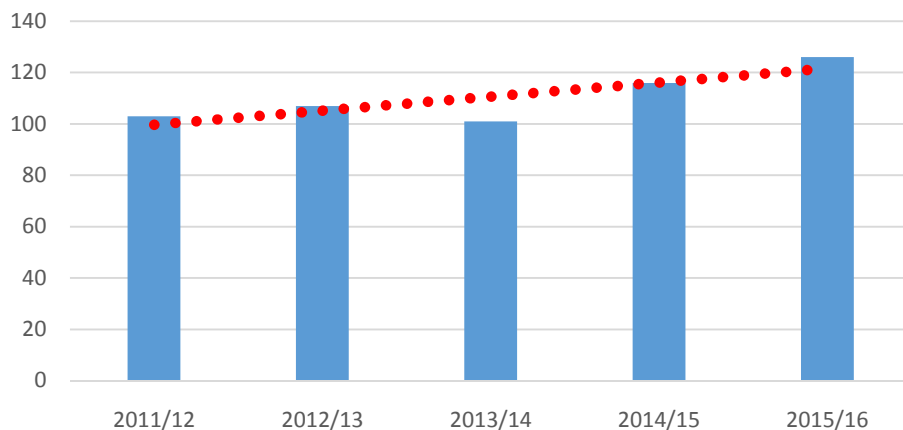
1. Introduction

- 1.1 Responsibility for discharging many of the Council's licensing functions and the enforcement of licensing legislation lies with the Licensing Service. The Service is also responsible for the development and review of alcohol and entertainment licensing, gambling and sex establishment policies as well as providing guidance and assistance on the various licensing, registration and permitting processes.
- 1.2 Licensing Enforcement conduct pro-active inspections of licensed premises to ensure compliance with premises licence conditions and advise licensees and management of their responsibilities. Licensing Enforcement conduct investigations into complaints of alleged unauthorised activity and/or licence breaches. Officers undertake targeted night visits across Hackney in order to witness and resolve allegations. Formal enforcement actions are taken when merited.
- 1.3 Licensing Enforcement also fulfil the responsible authority role on behalf of the Licensing Authority as defined under the Licensing Act 2003. This entails reviewing all new and variation applications and considering making representations in line with the Council's Licensing Policy.
- 1.4 The purpose of this document is to report on the activities and performance of the Service during the 2015/16 municipal year and to show aims and targets for the forthcoming year. The Licensing Service has been preparing annual reports to the Licensing Committee on its statistics since 2009.

2. Licensing Act 2003

Premises licences

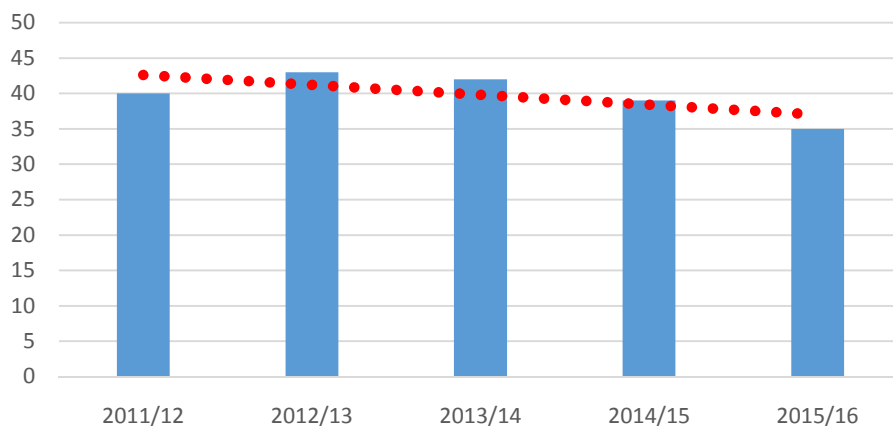
2.2 A premises licence authorises a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of late night refreshment, under the Licensing Act 2003.



1. Premises licences issued

2.3 Fig. 1 highlights the numbers of new licences granted. Statistically the trend is upwards over the last five years. During 2015/16, 126 licences were granted, up 9% on the previous year's figure.

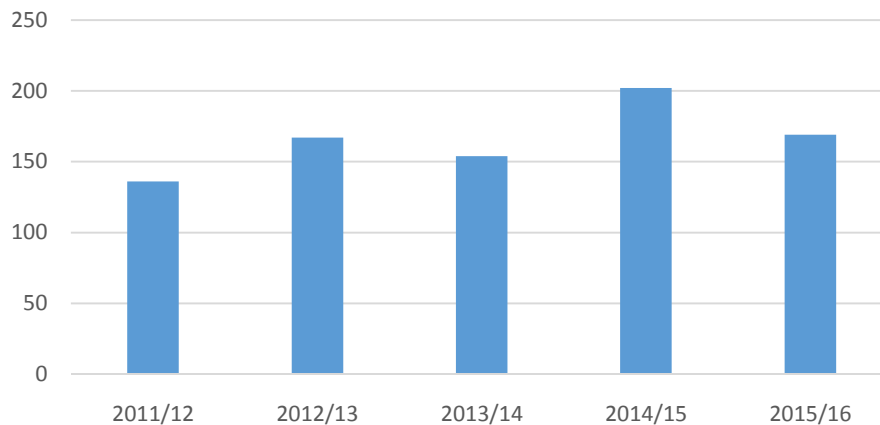
Variations of existing premises licences/certificates



2. Variations of existing premises licences/certificates

2.4 In contrast to new licences being granted, Fig. 2 highlights that the number of full variations of licences/certificates has fallen consistently since peaking in 2012/13.

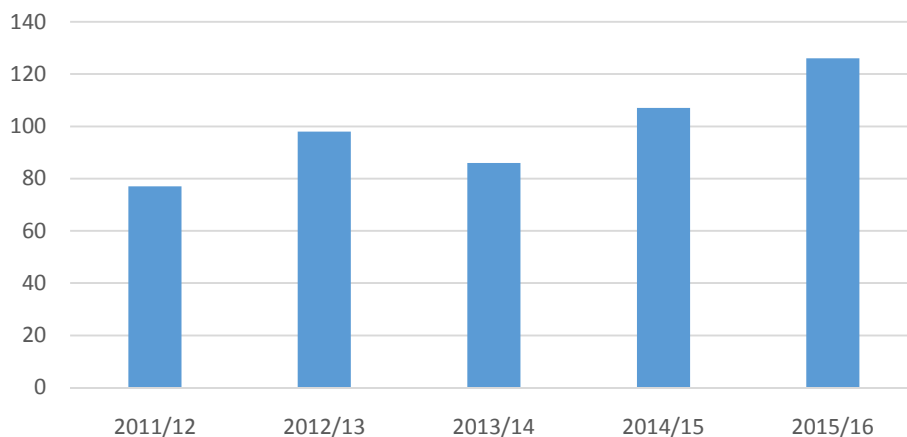
Variations to specify an individual as DPS



3. Applications to vary licence to specify DPS

- 2.5 Where a premises licences authorises the supply of alcohol, there is a requirement for a personal licence holder to be nominated as the designated premises supervisor. The Service generally receives a healthy number of these each year. However, the figure received in 2015/16 was down 16% to 169 from 202 received in the previous year. However, the overall trend is that these are increasing which would reflect the increase in the overall number of licences in effect.

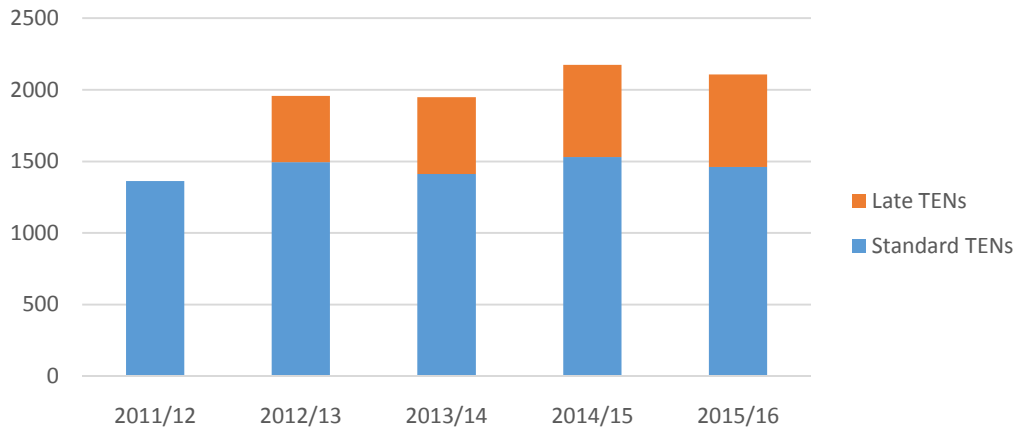
Transfer of premises licences



4. Transfers of premises licences

- 2.6 The number of licences being transferred between operators has risen consistently for the last three years. This may also be as a result of an increase in an increase in the overall number of licences.

Temporary Event Notices (TENs)

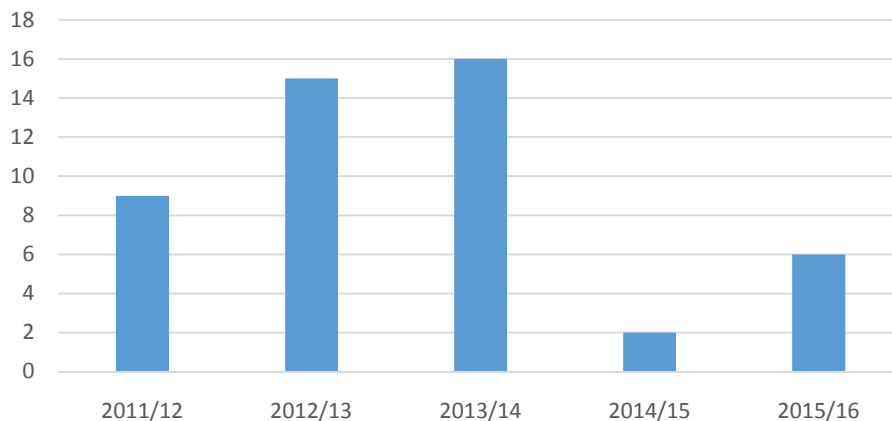


5. Temporary Event Notices

2.7 The overall number of TENs received fell from the previous year. Notably, it appears that the number of TENs being received annually has stabilised. However, on 1 January 2016 the limit for the amount of TENs that can be given in respect of a premises in a calendar year rose from 12 to 15. This may, therefore, have an impact on the figures this year.

2.8 Also notable is the impact of late TENs. On 25 April 2012 it became possible for a person to give a late TEN. This has resulted in well over 500 additional TENs in each of the last 4 years, which has had an impact on resources.

Reviews of premises licence/club premises certificates

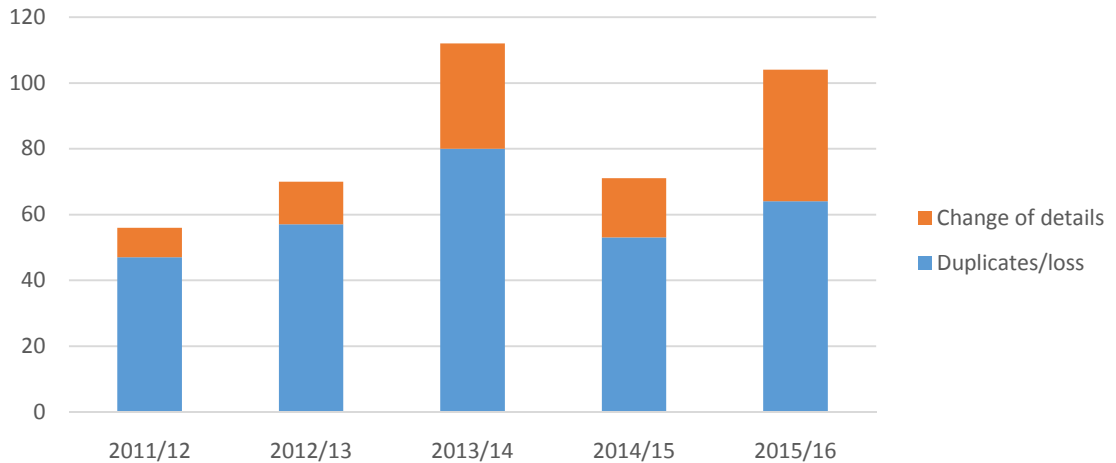


6. Review applications

2.9 The Service received three times as many reviews last year. However, the figures remain some way below historic averages.

Premises Licences – Requests for Duplicates

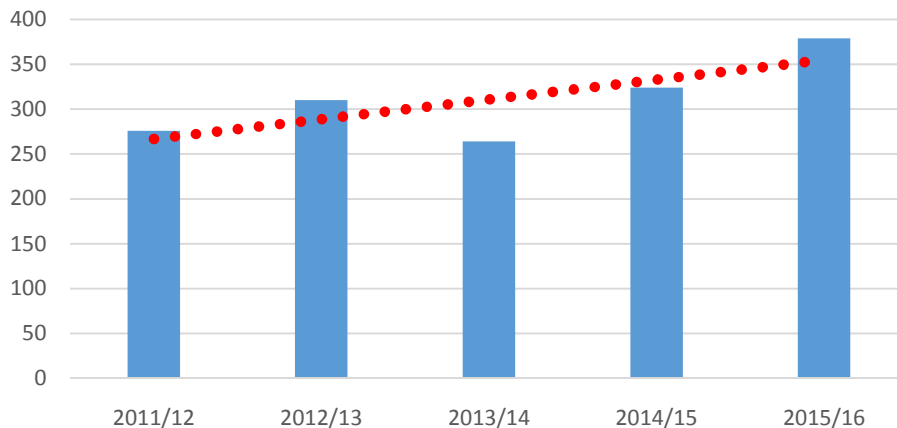
2.10 The Service has experienced increasing demand due to requests for duplicate documents. Whilst this is primarily a desktop administrative process involving the reprint of the two-part licence, the numbers being requested are significant.



7. Duplicate premises licences

2.11 Fig. 7 above illustrates that around two thirds of requests are for lost licences. However, the proportion of requests for changes to details, such as the licensee moving address, grew significantly last year.

Personal licences

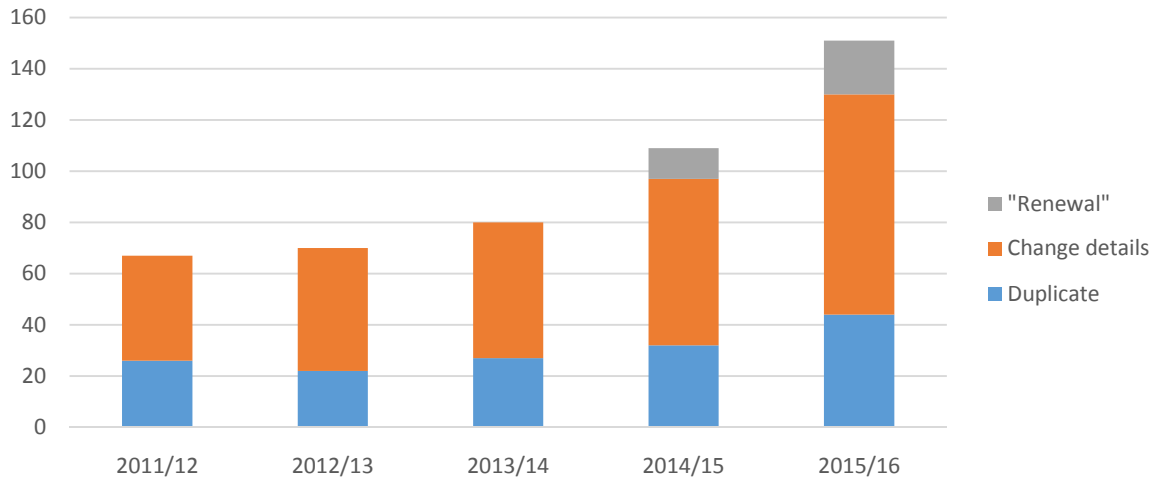


8. Personal licences issued

2.12 Grants of personal licences continues to show an upward trend, with the number increasing for three years in a row as illustrated above.

Personal licences – Requests for Duplicates

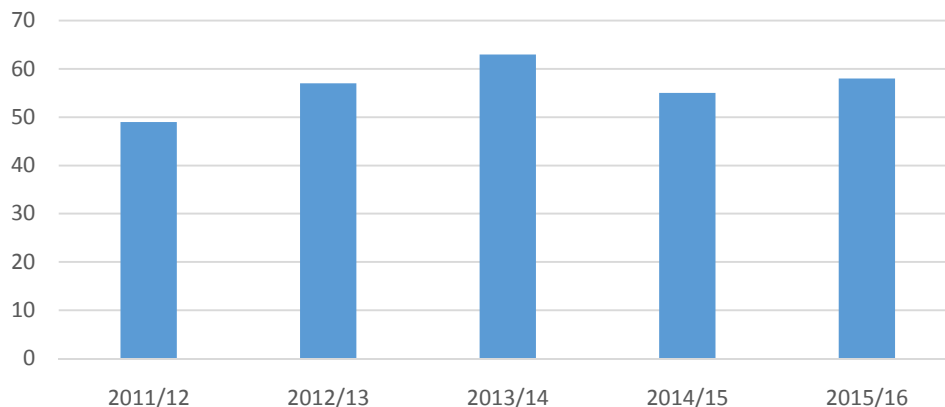
2.13 Similar to premises licences, the Service receives requests for personal licences to be reprinted. Again this is a desktop administrative process.



9. Personal licence duplicates

2.14 Further to the above, the Deregulation Act 2015 abolished the requirement to renew a personal licence after 10 years. Despite this, requests for new documents increased as licence holders appear to prefer to hold documents without expiry dates printed on them. These requests to “renew” are likely to grow in coming years.

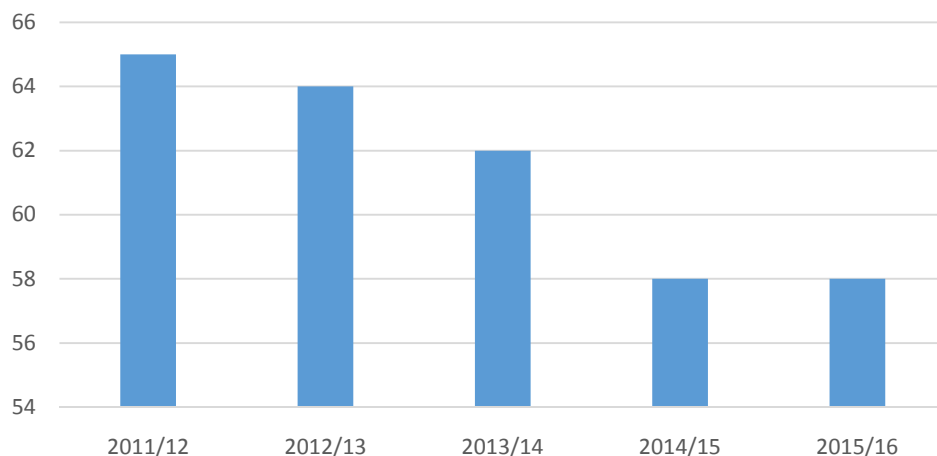
Licensing Sub-Committee



10. Licensing Sub-Committee

2.15 Licensing Sub-Committees sat on three more occasions than the previous year, although the figure (58) remains below the peak in 2013/14.

3. Gambling Act 2005

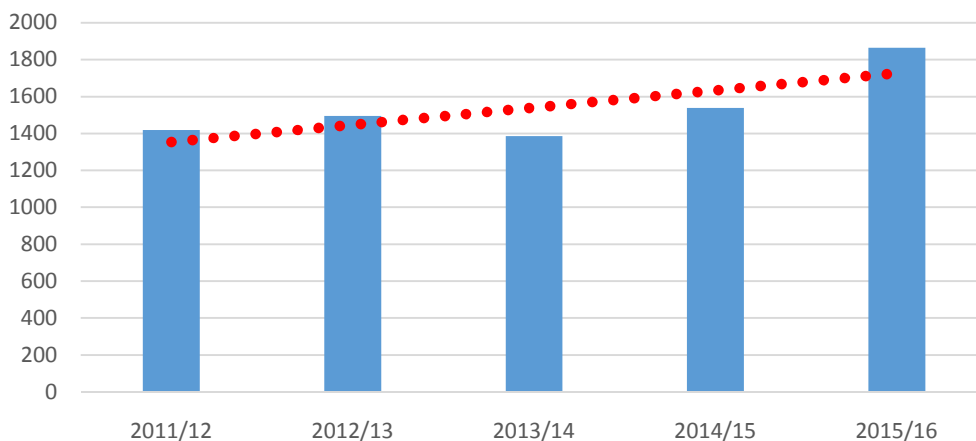


11. Betting (other than track) licences renewed.

3.1 The number of betting licences in the Borough remained the same as last year after falling consecutively in the previous four years. Also notable was the closure of Mecca Bingo on Hackney Road. The three adult gaming centres in the Borough also had their licences renewed.

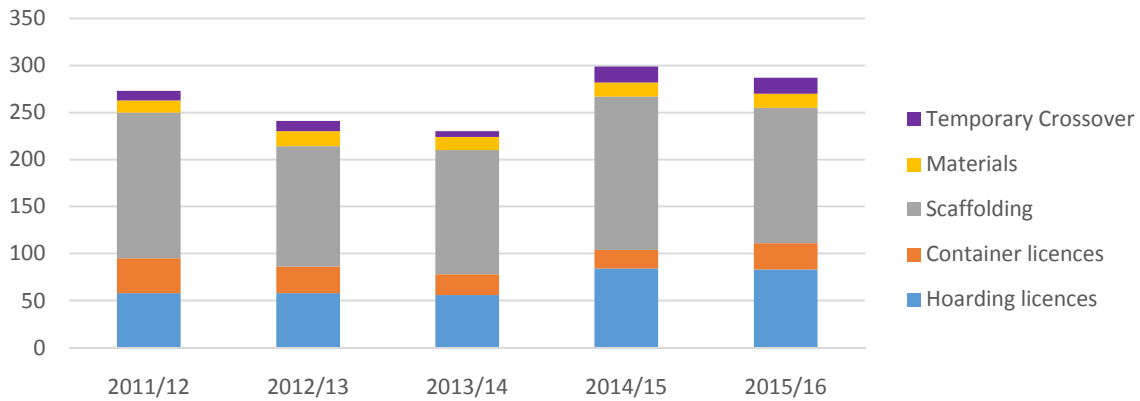
4. Highways Act 1980

4.1 Whilst the Licensing Act 2003 tends to be the highest profile of the functions carried out by the Licensing Service, the Highways Act 1980 functions account for the most volume in terms of overall numbers received.



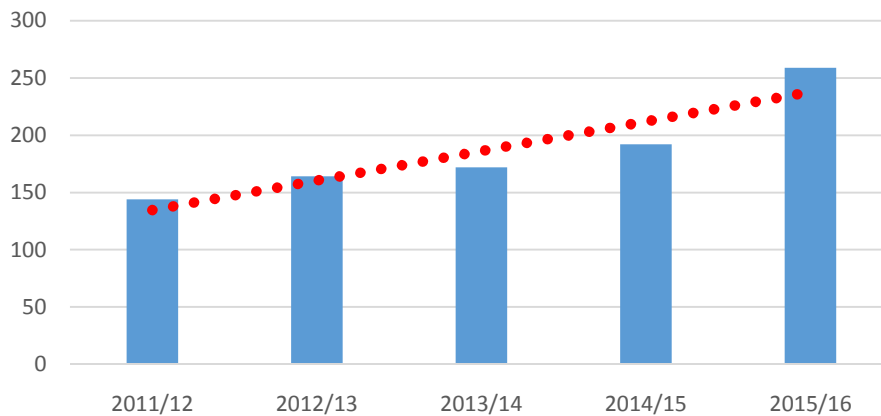
12. Skip licences issued

4.2 The number of skip licences issued continued on an upward trend, with 1864 issued in the year. This was up 326, or around 21%, on the 2014/15 figure.



13. Highway licences

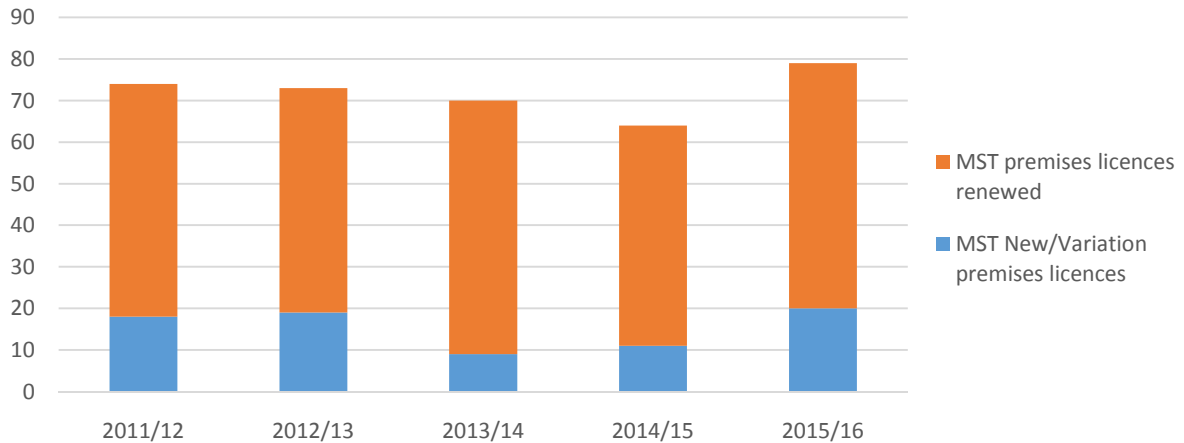
4.3 The overall number of the other types of highway licences fell by 4% on 2014/15 although there had been a 30% increase the previous year. Licences to erect scaffolding account for the largest proportion of the licence types, ahead of licences for hoarding.



14. Highway licences extended

4.4 The number of highways licences extended continued on an upward trajectory. There were 67 (35%) more licences extended last year compared to the previous year. This was due in part to efficiencies achieved as a result of the EQUIS programme.

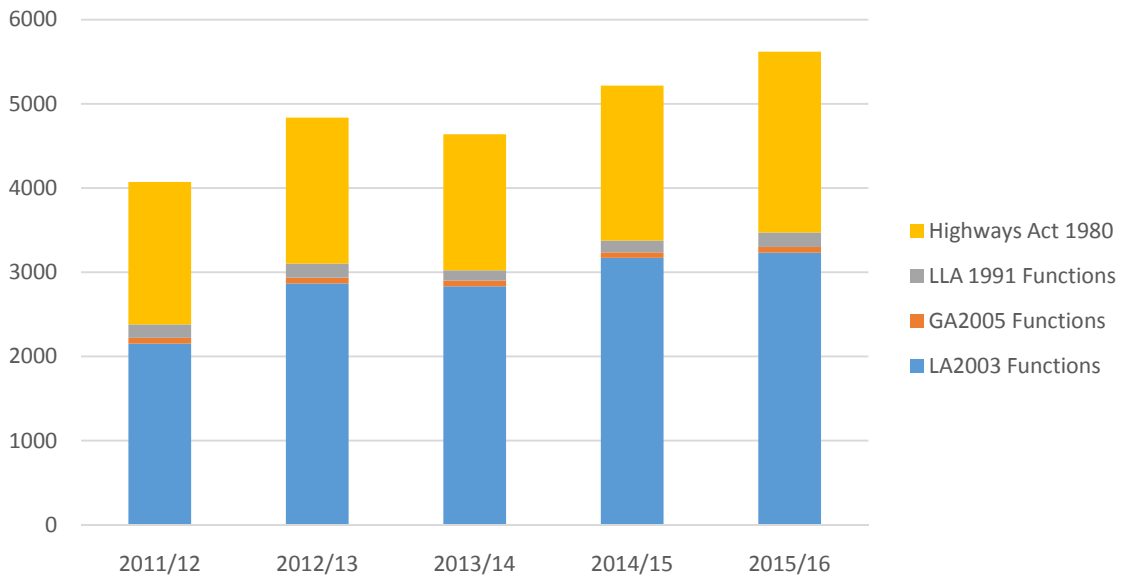
5. Massage and Special Treatments (MST) Licences



15. Massage and Special Treatment licences

5.1 The majority of MST premises licences were made up of applications to renew licences issued in previous years. The overall number of premises is currently 79 which is the highest net figure in the last five years.

6. Summary of key activities



16. Key activity types

6.1 When key intervention types across functions are grouped, it can be seen from Fig. 16 above that the amount of correspondence being received by the Service is increasing, most notably in the Licensing Act 2003 and Highways Act 1980 functions.

6.2 Licensing Act 2003 functions stabilised in the last year, mainly due to a fall in the numbers of TENs and applications to vary DPS received. However, demand for personal licences grew, as well as requests for new documents following the

7. Licensing Enforcement

- 7.1 It has been a very challenging year for Licensing Enforcement. From making just 12 representations on licensing applications in the first year as a Responsible Authority (RA) in 2012/13, 169 were made in 2015/16. This represents another significant increase from the previous year. The increase is such that where previously the RA responsibilities fell solely upon the Licensing Enforcement Team Leader it is now split with the Principal Licensing Enforcement Officer also leading on considering applications, making representations and attending Licensing Sub Committees.
- 7.2 The popularity of Hackney as a night time destination shows no sign of abating and applications for premises continue to be received in similar numbers to previous years. Whilst Shoreditch and Dalston remain the centres of night time economy activities we are finding that operators are also taking sites in the outskirts of these areas and further afield in areas such as Hackney Central and London Fields.
- 7.3 Licensing Enforcement are frequently the last RA left with representations on applications requiring them to be determined by Sub-Committees. This is commonly due to other RAs having agreed conditions that allay their concerns.
- 7.4 Licensing Enforcement can often maintain a representation due to overall concerns of cumulative impact or activity being proposed after midnight in residential areas. These are of course key areas of policy. Applicants often do not agree to suggested changes to their operating schedules hence the application needing to be determined by a Sub-Committee.
- 7.5 Licensing Enforcement assert that the more licences that are granted to sell alcohol and trade late hours the more crucial it becomes that the overall cumulative impact is considered alongside other issues. However at present officers are still able to agree approximately two thirds of applications and avoid the need for a Sub Committee after extensive negotiations with applicants.
- 7.6 With a small licensing enforcement team the emphasis is on building confidence in relationships with premises management and licensees and resolving complaints as early as possible. Officers achieve this by visiting and advising the premises in the first instance upon receipt of a complaint.
- 7.7 In some cases general nuisance is also alleged that does not constitute either unlicensed activity or breach of licence. In all cases the aim is to make the premises aware that compliance must be achieved immediately in order to avoid further action. The vast majority of premises visited respond positively to this approach and are found to be compliant upon further follow up visits.
- 7.8 In some cases when serious condition breaches are witnessed closure notices are issued. Condition breaches that merit this action include failure to have CCTV operating, not having a noise limiter or not having a valid designated premises supervisor. If the premises fails to rectify these issues after a closure notice is issued officers could apply to the Magistrates Court for a closure order to legally close the premises for a specified time period. To date have not had to proceed to this measure as all premises have complied.
- 7.9 Proactive inspections of licensed premises take place continuously. Officers inspect every condition of a premises licence and leave inspections sheets with the Management detailing any failings. Follow up visits ensure that premises have heeded advice and are fully compliant. It should be noted that serious non-compliance is rare. Common discrepancies include failure to display required signage or licence summary.

- 7.10 Where a premises is causing concern in relation to one or more of the licensing objectives and they do not improve after advice officers can to apply to review the premises licence. Officers have found the warning of review to be a strong tool that results in premises making the required improvements.
- 7.11 However, Licensing Enforcement did apply to review one premises licence; the Pump/Boneyard 168-175 Shoreditch High Street. The premises had begun to operate as a large outdoor venue despite being refused a variation of the premises licence. The licence was revoked at Sub Committee and the decision upheld by Magistrates on appeal with costs awarded to the Council.
- 7.12 The aim is to inspect licensed premises annually. Only the major operators remain in the borough and Officers find that they generally have good internal procedures and are compliant with requirements under the Act. Whilst no complaints regarding underage gambling have been received recently, officers will be scheduling some test purchasing for the second quarter of 2016/17 in accordance with guidelines from the Gambling Commission.
- 7.13 In October 2015 Licensing Enforcement conducted an operation to remove illegal gaming machines a number of social clubs in the borough. The operation took place in conjunction with the Police and the Gambling Commission. Thirty eight illegal machines were seized from 7 premises. None of the machines were claimed and they were all subsequently destroyed. Discussion is taking place with the Gambling Commission with the aim of scheduling another operation in the second quarter of 2016/17.

8. Look back / Projects

The table below sets out the projects planned by the Service last year.

What are the priorities?	Why?	How?	When?	Outcomes
Raising Awareness of Child Sexual Exploitation (CSE)	Following recent events, Licensing Enforcement will provide advice on CSE awareness in information giving to licensees during compliance visits.	Compliance visits to premises. Providing information.	Completed by August 2015.	Initial document completed however further consultation with Children Safeguarding Board and Police in relation to Operation Makesafe taking place before going to press.
Review of Late Night Levy Powers	Following the Late Night Levy and Early Morning Restriction Orders Update presented to Licensing Committee in November 2013, further consideration appropriate given recent experiences of the introduction of the Late Night levy by neighbouring authorities	Review of scheme and consideration of changes in conjunction with Community Safety Team.	Completed by August 2015.	Ongoing. Report to be considered by the Licensing Committee on 30 June 2016.
Review of Statement of Licensing Policy for alcohol, entertainment and late night refreshment premises	Ongoing statutory review of the Policy which last underwent a full review in 2010.	Revision of document, draft for consultation, reflect consultation feedback where relevant, revise draft, present to Licensing Committee, present to Council, publish	By October 2015	Consultation ran from May to August 2015. Decided that the existing Policy would be re-adopted to allow for further substantive consultation on a new policy

What are the priorities?	Why?	How?	When?	Outcomes
				which has now commenced.
Review of the Gambling Policy (Statement of Principles).	Ongoing statutory review of the Policy which last underwent a full review in 2013.	Revision of document, draft for consultation, reflect consultation feedback where relevant, revise draft, present to Licensing Committee, present to Council, publish	By October 2015	Consultation ran from May to August 2015. Policy approved by Full Council on 25 November 2015 along with further resolution not to issue casino licences. Policy effective from 7 January 2016.
Voluntary 'Super Strength' Pilot	Licensing Service to fulfil a request from the Health in Hackney Scrutiny Commission to explore possibility of a voluntary removal of super strength beer, lager or cider from retailers' shelves.	Visits to premises, collaboration with Public Health	Ongoing, pilot to be completed by November 2015.	Visited a number of premises in Dalston and Shacklewell Wards, where there was some interest from operators. However, Public Health decided to focus on minimum unit pricing. Licensing Enforcement will make representations on relevant applications where the premises are located in problem areas.
Target Off licences selling beyond permitted hours	Licensing Enforcement to undertake permitted hours test purchasing in off licences. It has been identified that there is a risk of	Licensing Enforcement will programme a series of targeted test purchases, in collaboration with the Trading Standards Service.	Completed by December 2015	Some test visits taken place with no sales after hours however further risk assessment work required and visits will

What are the priorities?	Why?	How?	When?	Outcomes
	off licences continuing to sell alcohol outside authorised hours especially in busy night time economy areas.			take place during regular scheduled night time complaint investigation visits.
Targeting unregistered MST Practitioners	It has been identified that there is a high risk of unregistered and possibly unqualified practitioners working on licensed massage and special treatment premises.	Licensing Enforcement will programme a series of inspections	After renewal licences have been issued, by end of December 2015	Series of inspections completed and resulted in all licensed MSTs in the Borough having at least one registered practitioner. Further inspections scheduled in partnership with EH.
Licensing Fees	Review of all locally set fees to ensure they are reasonable and proportionate in accordance with European Services Directive 206/123/EC	Working with finance colleagues.	Completed by February 2016	Commenced initial work with Finance and completed CIPFA/LGA fee survey. However, task to be carried over to new year.
MST Awareness Campaign	To raise public awareness of the fact that Massage and Special Treatments are a licensable activity. It is the intention to tie this in with the enforcement activity identified above and a tattooist rating scheme as promoted the Chartered Institute of Environmental Health.	Media campaign and education, using Hackney Today, social media, website	Completed by 31 March 2016	To be carried over and completed as part of review of MST Function.

What are the priorities?	Why?	How?	When?	Outcomes
Highways Function Review and deposit refunds	Challenges as a result of activity licensed under the Highways Act 1980 and resolving backlog of unreturned deposits	Review of procedures, fees and conditions attached to premises licences	Completed by 31 March 2016	Commenced, identified over 5300 application records for further investigation. Processes mapped. Work ongoing as part of ongoing project to transfer Highways Act 1980 functions to StreetScene.
Review of the Licensing Service	Review of operational processes including licensing procedures and documentation where necessary.	Developing process maps and implementing system thinking approach	Completed by March 2016	Not completed due Cross-Cutting Enforcement Programme.

9. Planned Activity for 2016/17

Objectives	What we will do	Purpose
Substantive consultation ahead of a review of Statement of Licensing Policy	<ul style="list-style-type: none"> • Produce timescales and scoping prior to consultation. • Produce draft document and supportive documentation for consultation. • Consultation with key stakeholders and prepare report for Licensing Committee 	<p>To set out the principles applied when considering applications under the Licensing Act 2003 whilst promoting the 4 licensing objectives.</p> <p>To manage the growth of the vibrant night time economy.</p> <p>To support a safe and vibrant night time economy and growth of the hospitality sector.</p> <p>To manage the impact of anti-social behaviour and nuisance.</p> <p>To reduce negative impacts of alcohol on health, wellbeing and quality of life for consumers and residents.</p>
Consult on whether to introduce a Late Night Levy to provide additional policing of the night time economy.	<ul style="list-style-type: none"> • Review of scheme and powers taking into account and exploring lessons learnt and best practice from the levies in Islington, Camden and Newcastle. • Report on consultation on Levy to the Council • Collaborative working with Community Safety, other external agencies, local authorities and local businesses and communities. 	<p>To support a safe and vibrant night time/hospitality economy.</p> <p>To support the work of the Community Safety service to reduce crime, anti-social behaviour and other nuisance.</p>
Licensing regulation and Licensing as a Responsible Authority	<p>Undertake a programme of risk-based inspections of premises and in respect of individuals to ensure compliance with licensing legislation and undertake appropriate enforcement action as necessary. Deliver effective enforcement action against those contravening licensing requirements:</p> <ul style="list-style-type: none"> • Joint inspection/ 	<p>To provide effective administration on all licensing applications.</p> <p>To minimise negative impact such as such as nuisance, crime/ disorder and anti-social behaviour.</p> <p>To minimise public safety issues arising from licensed events and premises in the Borough.</p> <p>To explore delivery of a</p>

Objectives	What we will do	Purpose
	<p>interventions with other services respect of betting shops including test purchasing.</p> <ul style="list-style-type: none"> • Fulfilling Responsible Authority Role and working with other Responsible Authorities at Licensing Operations Enforcement Group (LOEG) • Review and respond to consultations, and make representations where necessary. • Respond to allegations of unauthorised activities and similar licensing related issues • Provide businesses with advice and assistance. 	<p>training programme for applicants.</p> <p>To maintain high levels of customer satisfaction amongst residents and businesses with regard to the undertaking of the role</p>
<p>To minimise public safety issues arising from licensed events and premises in the Borough</p>	<ul style="list-style-type: none"> - Review and respond to consultations, including making of representations where necessary - Participation in Queen Elizabeth Olympic Park Licensing, Planning, Operational and safety group, HEAT (Hackney Event Action Team) process and/or other relevant Safety Advisory Groups. - Prioritise and monitoring of large scale events 	<p>To maintain high levels of customer satisfaction amongst residents and businesses.</p> <p>To ensure Licensing Act, Health & Safety and Food Safety Laws are fulfilled in relation to outdoor events</p>
<p>Explore implementation of pre-application and fast-track licence scheme</p>	<ul style="list-style-type: none"> • Benchmark and review best practice of schemes offered by other Authorities. • Work with Finance to establish costings. • Develop delegated powers report. • Introduce and advertise service. 	<p>To secure additional revenue for the Council</p> <p>To ensure the Council is not subsidising businesses.</p> <p>To work towards cost neutrality by 2020.</p>

Objectives	What we will do	Purpose
Review Massage and Special Treatment Functions (including development of tattoo hygiene rating scheme)	<ul style="list-style-type: none"> - Review current procedures and processes - Benchmark with other authorities - Delegated powers report/report to the Licensing Committee. - Revised arrangements in place 	<p>To ensure function is fit for purpose</p> <p>To ensure efficient working practices.</p>

APPENDIX

Licensing Service – Summary table

Activity	11/12	12/13	13/14	14/15	15/16	% change from previous year
New premises licences granted	103	107	101	116	126	▲ 9%
Variation of existing premises licence granted	40	43	42	39	35	▼ 10%
Minor variation premises licences issued	25	30	30	27	29	▲ 7%
Transfers of premises licences processed	77	98	86	107	126	▲ 18%
Variations of licence to specify individual as DPS processed	136	167	154	202	169	▼ 16%
Standard TENS	1363	1494	1412	1531	1462	▼ 5%
Late TENS	N/A	465	537	642	645	▲ 0.5%
Reviews of premises licences	9	15	16	2	6	▲ 200%
Premises licences – Duplicates following theft/loss	47	57	80	53	64	▲ 21%
Premises licences – Changes of details	9	13	32	18	40	▲ 122%
New personal licences issued	276	310	264	324	379	▲ 17%
Personal licence – duplicates following theft/loss	26	22	27	32	44	▲ 38%

Activity	11/12	12/13	13/14	14/15	15/16	% change from previous year
Personal licence – change of details	41	48	53	65	86	▲ 32%
Personal licence – “Renewals”	N/A	N/A	N/A	12	21	▲ 75%
Premises licences revoked	1	2	1	1	1	● 0%
Premises licences surrendered	16	8	8	16	7	▼ 56%
Licensing Sub-committee hearings	49	57	63	55	58	▲ 5%
Licensing appeals	8	2	4	7	6	▲ 75%
Appeal won/settled (%)	8	50% settled 50% w/d	75% settled 25% lost	43% settled 43% w/d 14% pending	33% won 33% settled 33% pending	N/A
New Sex Establishment premises licences Issued	0	0	0	0	0	● 0%
Sex Establishment premises licences renewed	5	5	5	5	5	● 0%
Betting shop premises licences renewed	65	64	62	58	58	● 0%
Bingo premises licences	1	1	1	1	0	● 0%
Adult Gaming Centres	4	4	3	3	3	● 0%
Gambling premises licences issued	1	1	1	1	0	● 0%

Activity	11/12	12/13	13/14	14/15	15/16	% change from previous year
Lotteries registered	4	6	6	7	8	▲ 7%
Notification of gaming permits issued	5	10	3	2	4	▲ 100%
MST New/variation premises licences	18	19	9	11	20	▲ 81%
MST Premises licences renewed	56	54	61	53	59	▲ 11%
Transfer of MST premises licences	1	4	4	3	2	▼ 25%
MST Practitioner licences	87	92	51	79	91	▲ 55%
Skip licences	1419	1496	1386	1538	1864	▲ 21%
Hoarding licences	58	58	56	84	83	▼ 1%
Container licences	37	28	22	20	28	▲ 40%
Scaffolding licences	155	128	132	163	144	▼ 12%
Materials licences	13	16	14	15	15	● 0%
Temp. crossover licences	10	11	6	17	17	● 0%
Licences extended	144	164	172	192	259	▲ 35%
Total highways licences issued	273	241	230	299	287	▼ 16%
Deposits refunded	189	134	179	188	152	▼ 19%
Explosives registration	15	15	18	15	6	▼ 60%

Licensing Statistics – Enforcement table

	11/12	12/13	13/14	14/15	15/16	% Change from previous year	Comments	16/17 targets
Daytime inspections of Premises	647	583	593	691	837	▲ 21%	Increase is mainly due to more initial advisory visits during day following a complaint prior to follow up targeted visits at night and additional Enforcement Officer from September 2015	600
Highways inspections	N/A	N/A	386	476	450	▼ 5%	Highways inspections dependant on number of applications and refund requests.	N/A
Night time inspections of Premises	452	532	520	346	248	▼ 28%	Reduction is due to more initial advice visits during day and only doing two visits when no contraventions are found. Complainants are then requested to lodge further complaint if problem continues.	300
Night Visits carried out	29	29	29	28	28	● 0%	Will remain the same with nights and times targeted to deal with specific allegations of licence breaches or unlicensed activity.	28
Formal Actions	21	25	12	31	17	▼ 45%	Decrease mainly due to less cautions and emphasis on closure notices for serious licence infringements such as no CCTV or	N/A

							no DPS.	
a) Prosecution	0	0	0	0	0	● 0%	Graduated enforcement is undertaken in line with the enforcement policy.	N/A
b) Caution	17	12	4	9	0	▼ 900%	Cautions not used as frequently in part due to new requirement to prepare as prosecutions.	N/A
c) Closure Notice	4	13	8	22	16	▼ 27%	Continue to be used as effective ways of resolving serious licence breaches quickly.	N/A
Proactive (Internal) Service requests	312	298	282	260	289	▲ 15%	These are SRs raised to inspect premises or view site notices or referrals from other departments regarding licensing related for investigation. Figure likely to remain constant.	N/A
Reactive (Public) complaints	176	193	223	210	170	▼ 19%	Figure likely to remain constant. Slight reduction is positive considering net increase in licensed premises.	N/A
JEDI Nights/Condor	4	4	3	2	0	▼ 200%	Police led joint enforcement night which usually coincides with night Licensing Enforcement visits. Dependant on Police resources and priorities. Now replaced by Operation Equinox.	N/A
LOEG sessions	21	25	17	17	16	▼ 6%	Will remain crucial forum for joint discussion on problem premises between partners to ensure the most efficient and effective way of resolving issues and taking enforcement actions.	17
Warning / Advice letters sent out	56	103	19	37	71	▲ 92%	General advice warning letters including annual fee warnings.	N/A

Representations on applications	N/A	12	101	141	169	▲ 20%	Large increase for third year in a row since licensing became a responsible authority. Expect the figure to be similar in 2016/17 due to number of applications expected to remain constant. A crucial function fulfilled by Licensing in order to ensure that all applications are determined in line with policy and with due regard to the Licensing objectives.	N/A
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Mayor's Manifesto Commitments

Licensing Enforcement will continue to investigate complaints in line with the following agreed targets for response and investigations and report on performance quarterly

	11/12	12/13	13/14	14/15	15/16	Comments	15/16 targets
Respond to all licensing complaints within 2 working days	97%	97%	100%	100%	100%	Target achieved	95%
First Visit [7 Working Days]	62%	94%	99%	95%	97%	Target achieved	95%
First Update [20 Working Days]	98%	100%	98%	100%	100%	Target achieved	95%
Second Visit [28 Working Days]	76%	94%	96%	90%	96%	Target achieved	95%
Final Update / Resolution [40 Working Days]	91%	100%	98%	100%	100%	Target achieved	95%

Review applications

2012/13					
AP	E1	Trading Standards	Review	11/04/2012	Withdrawn following agreement to modify conditions
AQ	N1	Other Persons	Review	24/04/2012	Conditions modified
AR	N4	Trading Standards	Review	15/06/2012	Conditions modified
AS	N1	Pollution	Review	20/06/2012	Withdrawn
AT	N16	Police	Review	15/08/2012	Revoked
AU	E8	Police	Expedited	24/09/2012	Conditions modified

			Review		
AV	N16	Police	Expedited Review	07/11/2012	Conditions modified
AW	N16	Trading Standards	Review	28/11/2012	Withdrawn following agreement to modify conditions
AX	N16	Police	Review	28/11/2012	Revoked
AY	E9	Police	Review	03/12/2012	Conditions modified
AZ	E9	Police	Review	18/12/2012	Suspended for 3 months
BA	E8	Police	Review	08/01/2013	Conditions modified
BB	N16	Police	Review	08/01/2013	Conditions modified
BC	N16	Police	Review	10/01/2013	Conditions modified
BD	E2	Police	Expedited Review	05/02/2013	Conditions modified, following transfer of licence
2013/14					
BE	N1	Police	Review	09/05/2013	Conditions modified
BF	N1	Other Persons	Review	23/05/2013	Conditions modified
BG	EC2A	Other Persons	Review	05/06/2013	Conditions modified
BH	EC2A	Police	Expedited Review	14/06/2013	Conditions modified, following transfer of licence
BI	N16	Other Persons	Review	28/06/2013	Conditions modified
BJ	E8	Police	Review	03/07/2013	Hours/conditions modified
BK	N16	Other Persons	Review	11/07/2013	Application withdrawn
BL	N16	Other Persons	Review	11/07/2013	Conditions modified, following transfer of licence
BM	E8	Police	Review	26/07/2013	Conditions modified
BN	E8	Other Persons	Review	23/08/2013	Conditions modified
BO	N16	Police	Expedited Review	19/11/2013	Conditions modified
BP	N16	Trading Standards	Review	26/11/2013	Application withdrawn
BQ	E8	Police	Expedited Review	06/12/2013	Licence suspended for 3 months, or until Police satisfied
BR	N16	Police	Review	19/12/2013	Licence suspended for 1 month, or until Police/LFB satisfied
BS	N16	Police	Review	20/12/2013	Licence Surrendered
BT	E8	Police	Review	25/02/2014	Revoked
2014/15					

BV	E8	Police	Expedited Review	14/07/2014	Revoked
BW	E8	Police	Review	16/02/2014	Pending
2015/16					
BX	EC1V	Police	Review	08/05/2015	Hours/conditions modified
BY	E1	Licensing Authority	Review	12/06/2015	Revoked
BZ	EC1V	Police	Review	14/07/2015	Hours/conditions modified
CA	EC2A	Police	Review	05/11/2015	Conditions modified
CB	E1	Police	Review	05/11/2015	Conditions modified
CD	EC2A	Police	Review	05/11/2015	Conditions modified
CE	EC2A	Police	Review	05/11/2015	Conditions modified

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