



# LICENSING COMMITTEE

Tuesday, 31st January, 2017

at 7.00 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 Ian Rathbone, Cllr Caroline Selman, Cllr Peter Snell and Cllr Simche Steinberger

**TIM SHIELDS**  
Chief Executive

**Contact:**  
Jessica Feeny, Governance Services Officer  
Tel: 020 8356 8407  
Email: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

The press and public are welcome to attend this meeting

# ACCESS AND INFORMATION

Hackney Council website: [www.hackney.gov.uk](http://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

## **Facilities**

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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**

## **Tuesday, 31st January, 2017**

### **ORDER OF BUSINESS**

<b>Item No</b>		<b>Page No</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest - Members to declare as appropriate</b>	
<b>3</b>	<b>Minutes of the Previous Meeting</b>	<b>1 - 4</b>
<b>4</b>	<b>Statement Of Licensing Policy - Direction of Travel</b>	<b>5 - 28</b>
<b>5</b>	<b>Any Other Business Which in the Opinion of the Chair is Urgent</b>	

# 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:

- 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;
- 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
- 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:

- 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).
- 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.
- 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](mailto:Yinka.Owa@hackney.gov.uk)



FS 566728

## LICENSING COMMITTEE

THURSDAY, 29TH SEPTEMBER, 2016

**Present:** Councillor Emma Plouviez in the Chair

**Apologies:** Cllr Barry Buitekant, Cllr Abraham Jacobson,  
Cllr Sharon Patrick and Cllr Peter Snell

**Officers:** Aleyne Fontenelle (Head of Projects and  
Regulatory Services), Butta Singh (Senior  
Licensing Lawyer), David Tuitt (Licensing Team  
Leader, Policy and Operations), Natalie Williams  
(Governance Services Officer)

### **1 Apologies for Absence**

1.1 Apologies for absence were received from Councillors: Jacobson, Patrick and Buitekant Apologies for lateness/possible absence was received from Cllr Snell.

### **2 Declarations of Interest - Members to declare as appropriate**

2.1 There were no declarations of interest.

### **3 Minutes of the Previous Meeting**

3.1 The minutes of the meeting held on 30<sup>th</sup> June 2016 were agreed as a true and accurate record of proceedings subject to Councillor Margaret Gordon being listed as present.

### **4 Consultation on Hackney's Evening and Night Time Economy: Analysis of Responses**

4.1 David Tuitt, Team Leader (Policy and Operations) introduced the report the purpose of which was to present an analysis of the consultation on Hackney's Evening and Night time Economy.

4.2 The Committee noted that following the re-adoption of the current licensing policy in November 2015, consultation and engagement work commenced in February 2016 with the establishment of a Licensing Policy Steering Group. Official consultation on Hackney's Evening (6pm-midnight) and Night-time Economy (midnight-6am) took place from 25 April -17 July 2016. The Council consulted residents using Hackney Today, the Council's website, Hackney's Bus Network, Pubwatch and Ward Forums.

4.3 A total of 2242 responses were received via the online and paper response mechanism, 73% of which were Hackney residents. The majority of respondents were from the E8 postcode area, closely followed by those from the E9 and N16 areas.

- 4.4 Some of the main points emanating from the responses include:
- Most popular reason for visiting Hackney during the evening is to visit a pub or restaurant
  - Provision of public toilets and litter and waste were cited as requiring improvement.
  - The most popular times to socialise in the borough are Thursday, Friday and Saturday evenings, with Friday being the most popular.
  - 28% of respondents visit Dalston, 24% visit Shoreditch and 22% visit Hackney Central more than once a week
  - 22% of respondents have never visited Hackney Wick
  - 83% of respondents felt there should be less betting shops
  - More than 70% felt that there should be more live music/performance/comedy venues.
- 4.5 The Committee noted the additional information which was circulated which showed comparison between the range of respondents (age, sex ethnicity etc.) and was informed that going forward, officers will be looking at how the results will feed into the Licensing Policy.
- 4.6 The Chair, Councillor Emma Plouviez highlighted that respondents were from a key group of people within the age range of 25-44. The overall impression being that they are happy with the Evening and Night Time Economy.
- 4.7 Cllr Kennedy questioned whether the responses, in particular the use of venues after midnight, suggested a steer toward a more lenient policy. In response, the Chair stated that the results present a slightly distorted view and did not bring to light any new information. Going forward, no decisions have yet been made regarding the direction of the policy and officers will continue to investigate the best ways to consult.
- 4.8 Cllr Selman commented that it would be useful to further look at the samples from the consultation. It was suggested that the respondents may be predisposed to answering questions in a positive way due to how the questions are phrased.
- 4.9 Cllr Gordon noted that the questions were predicated assuming the respondents to be users of the Evening and Night Time Economy.
- 4.10 The Chair commented that it would have been useful to have received more of a range of users of the Evening and Night Time Economy to include non-licensable activities and reach those who do not use the Night Time Economy. It was noted that the analysis had not greatly broadened or added to the debate in any significant way and would be used as part of on-going research.
- 4.11 Following a comment from Cllr Peters relating to additional public toilets and the unpopularity of urinals, there ensued a brief discussion on public toilet facilities throughout the borough. During the discussion it was raised whether people should be charged for use of public urinals and toilets, whether public toilets that were manned would require a greater share of the Late Night Levy and the security issues associated with use of toilets past midnight given that many venues have a no re-entry condition imposed after midnight.



- 4.12 Cllr Bell commented that licensees often put out propaganda relating to the Council being over restrictive and officers may need to investigate the best way to counteract this.
- 4.13 It was noted that the results of the consultation suggest broad support for the Night Time Levy.
- 4.14 **RESOLVED: To note and make any comments on the analysis of the consultation.**

**5 Any Other Business Which in the Opinion of the Chair is Urgent**

- 5.1 Members of the Committee specified that they would like a closed session at the end of the next committee meeting to include the following:
- Overview of what has been happening at Sub Committees including recurring themes.
  - Legal Developments.
  - Licensing Enforcement general update and representations at Sub Committees.
  - Updates from other Responsible Authorities, namely the Police (although it was noted that they are likely to be particularly stretched over the Christmas period)
  - Update on activities of Pubwatch and any other steering groups
  - Barrister session
  - Case study (Members mentioned looking at Fabric, but it was noted that this may be subject to appeal and would be more useful once the entire process has been completed).

**Duration of the meeting:** Times Not Specified

Chairman at the meeting on  
Thursday, 29 September 2016

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**STATEMENT OF LICENSING POLICY – DIRECTION OF TRAVEL**

**LICENSING COMMITTEE**

**31 JANUARY 2017**

**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 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and an update on the ongoing work to review the Statement of Licensing Policy (“the Policy”), and the “direction of travel” as a result of the evidence collection undertaken so far.

## **2. RECOMMENDATION(S)**

### **2.1 The Licensing Committee is asked:**

- (i) To note the contents of the Appendix**
- (ii) To note the updated timetable for the review in Paragraph 4.**

## **3. BACKGROUND**

- 3.1 The Licensing Act 2003 requires each local authority to publish a Statement of Licensing Policy and review it at least once every five years. This Statement must establish the principles to be applied when determining applications under the Act, such as applications for the sale/supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 3.2 The Act specifies that in drafting and implementing the Policy, it must promote the four licensing objectives, which are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 3.3 Home Office Guidance issued under section 182 of the Licensing Act 2003 (the “Guidance”) provides local authorities with direction on the discharge of their functions under the Act. This was last revised by the Home Office in March 2015.
- 3.4 The Council first published its Statement of Licensing Policy (‘Policy’) in January 2005, which sets out the decision-making principles when licensing premises for alcohol, regulated entertainment and late night refreshment. Full reviews of the Policy took place in 2007 and 2010. A further review took place in 2013 to include a Special Policy Area (SPA) in Dalston that was introduced in January 2014.
- 3.5 On 10 November 2015 the Council’s Licensing Committee recommended the current Policy for approval by the Council. This was subsequently approved on 25 November 2015.

#### 4. CURRENT POSITION

- 4.1 The review seeks to revise the Policy as well as establish the principles to be applied for up to five years. The current Policy was approved as an interim measure prior to substantive engagement being undertaken ahead of a new draft being published for consultation.
- 4.2 Evidence gathering is ongoing to inform the review process. Quantitative data such as crime, anti-social behaviour, ambulance, accident and emergency and waste data as well as information held by the Licensing Service is currently being collated.
- 4.3 In addition, a 'behavioural audit' is being carried out. The aim of this is to assess activities in and around the key areas of the borough, where higher concentrations of licensed premises are located. This will be useful to highlight any area specific impacts as a result of licensed premises in the Borough.
- 4.4 Also being undertaken is a Cost/Benefit analysis of the Evening and Night-time Economy. Both pieces of work will add to and complement the quantitative data such as crime, anti-social behaviour, ambulance, accident and emergency and waste as well as data held by the Licensing Service currently being collated.
- 4.5 The Licensing Policy Steering Group, set up to inform the development of the licensing policy, will continue throughout the review process.
- 4.6 An outline of the current timetable is below:

<b>Task</b>	<b>Date(s)</b>
First Stakeholder Event	24 February 2016
"Soft" Consultation	April to July 2016
Licensing Committee considers 'Direction of Travel'	January 2017
Update to the Living in Hackney Scrutiny Commission	February 2017
Redrafting, evidence gathering and data analysis	Ongoing to February 2017
Further Stakeholder Events ( <i>Includes Pubwatch, Shoreditch Town Centre Breakfast Forum, Ward Forum and Hackney Wick Cultural Interest Group</i> )	Ongoing to March 2017

<b>Task</b>	<b>Date(s)</b>
Licensing Committee considers draft for formal consultation	April 2017
Formal consultation	May to July 2017
Analysis of feedback	August 2017
Licensing Committee recommends draft for approval	September 2017
Approval of the Policy by the Council	October/November 2017

## **5. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES**

- 5.1 This report requests the Licensing Committee to note the ongoing work and future timetable to review the Statement of Licensing Policy.
- 5.2 The main cost of the review which includes redrafting the policy, evidence gathering and data analysis will be met from revenue budgets within the Licensing Service.
- 5.2 Additionally a licensing behavioural audit is being carried out to assess activities in and around the key areas of the borough (see 4.3). The cost of the audit will be funded from an allocated reserve.

## **6. COMMENTS OF THE ASSISTANT DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

- 6.1 The Licensing Act 2003 ('the Act') confers various powers to the Council when discharging the licensing functions for the sale and supply of alcohol, regulated entertainment and late night refreshment.
- 6.2 Part of the functions requires the Council to produce and review a Statement of Licensing Policy ('the Policy'). Section 5 of the Act now allows the Policy to be reviewed every 5 years, following the changes brought in by the Police Reform and Social Responsibility Act 2011 (PRSRA 2011).
- 6.3 The existing Policy came into force on 7 January 2016 and expires on 6 January 2021. The existing Policy has been adopted on the basis that a further substantive consultation and review of the Policy is to be carried out during the lifetime of the existing Policy. Section 5(4) of the Act permits the Policy to be amended within any 5 year period.

- 6.4 The Act does not set out any review processes to be adopted. It will be a matter for the Council to decide the process of review, unless further regulations are produced pursuant to Section 5(7) of the Act.
- 6.5 Even though the Council can decide its own process for the review it must still consult those groups listed within the Act before a revised version can be determined.
- 6.6 The drafting of any revised policy must be done in line with the Act and the Section 182 Government Guidance ('the Guidance').
- 6.7 When completely reviewing the Policy the Council should re-assess the Special Policy Areas ("SPAs") in place and the need for any others. The Guidance allows for the adoption of an SPA where the evidence justifies that the licensing objectives around crime and disorder and public nuisance is, or will be, undermined due to the concentration of licensed premises in an area.
- 6.8 There is no maximum or minimum level of evidence needed to introduce an SPA.
- 6.9 Notwithstanding paragraph 6.8 above, the Guidance refers to good evidence which should provide a reasonable and rational decision for the adoption of any SPA within the borough.
- 6.10 Once the full review process is completed the Policy must be approved by Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

**APPENDICES**

Appendix 1 – 'Direction of Travel' Paper.

**EXEMPT**

Not applicable.

**BACKGROUND PAPERS**

None

<b>Report Author</b>	David Tuitt Team Leader – Licensing (Policy and Operations) <a href="mailto:david.tuitt@hackney.gov.uk">david.tuitt@hackney.gov.uk</a> ☎ 020 8356 4942
<b>Comments of the Corporate Director of Finance and Resources</b>	Jackie Moylan Assistant Director – Finance <a href="mailto:jackie.moylan@hackney.gov.uk">jackie.moylan@hackney.gov.uk</a> ☎ 020 8356 3032

**Comments of the Corporate  
Director of Legal and Democratic  
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## **Licensing Policy – Direction of Travel Paper**

### **1. Statement of Licensing Policy**

- 1.1 It is a requirement for local authorities to publish a Statement of Licensing Policy at least once every five years, in accordance with guidance issued by the Home Office under Section 182 of the Licensing Act 2003.
- 1.2 The Policy sets out the principles to be applied when considering applications under the Licensing Act 2003 for alcohol, entertainment and late night refreshment and must seek to promote the following objectives:
  - Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 1.3 Hackney's Licensing Policy first became effective in 2005, which was followed by revisions effective from in 2008, 2011, 2014 and 2016.
- 1.4 The previous draft policy originally consulted upon from March 2015 sought to align licensing policy more closely with planning policy and, amongst other proposals, set out an hours framework for new licence applications with the principle being that applications for licences for set uses within prescribed hours was likely to be considered more favourably. However this was met with much contention, possibly due to considerable misrepresentation in the media of what the policy aimed to achieve.
- 1.5 During that consultation an error was discovered in the consultation material. This led to a decision to halt the consultation and instead seek to re-adopt the existing policy with some minor, inconsequential amendments. The current policy was approved by the Council in November 2015.
- 1.6 The Council does not therefore need to review its Licensing Policy immediately however the Council committed to carry on working on the Licensing Policy review and to undertake some engagement work before developing a new draft policy for consultation.
- 1.7 This engagement work began in February 2016 with an NTE stakeholder forum. This was followed by a soft consultation on the NTE and a number of Licensing Policy Steering Group meetings, with various stakeholders over the last few months discussing various topics of interest to the policy formulation.

### **2. Home Office Guidance – Policy review**

- 2.1 The Licensing Policy review has to be prepared in accordance with the Licensing Act 2003 and the subsequent Home Office Guidance: a licensing authority must “have regard” to this guidance when determining and publishing its Statement of Licensing Policy.
- 2.2 Unlike Planning Policy the Licensing Policy is more restrictive and focused, its primary purpose being to promote the four licensing objectives and is restricted to activities within the Act. Any conditions attached to a licence needs to be focused on matters within the control of the individual licence holder.

- 2.3 The need/demand for licensed premises is not something for consideration by licensing authorities – need relates to commercial demand for another pub, restaurant etc. and this is a matter for the planning authority and the market.
- 2.4 The cumulative impact of a number of premises on licensing objectives e.g. crime, disorder and nuisance in an area is a matter for the licensing authority to consider in developing its licensing policy and it may wish to consider special policy areas in such instances.
- 2.5 The Licensing Policy also enables the licensing authority to use its local knowledge and experience to set out the licensing authorities approach to licensed opening hours to promote the licensing objectives.
- 2.6 The policy should give clear indications of how licensing policy fits in with other strategies in an integrated way.
- 2.7 Policy, particularly special policy areas should be evidenced based, is there good evidence that crime and disorder are occurring, or any activities are threatening to cause a public nuisance: if there are problems, are they from a particular premises or is there a risk of cumulative impact: if it is down to the saturation of licensed premises, identify the boundaries of the area where the problem is occurring.

### **3. Evidence base**

3.1 In order to review the Policy and provide an evidence base for assessment and policy development the following pieces of core work are being undertaken:

- Crime Data analysis 2011-2016 – mapping of crime data to show a spatial breakdown and any links to licensed premises, alcohol related crime, all crime between 6pm and 6am, and violence. Data includes violence, theft and sexual assaults.
- Anti-Social Behaviour and Noise related complaints and activities.
- Waste – analysis of impact of NTE on waste services both spatially and financially.
- Licensing Enforcement – analysis of complaints and enforcement activity.
- Licensing Decisions – analysis of licence applications, decisions, reviews, appeals to get a picture of what is happening in Hackney.
- Analysis of applications and decisions within the SPA areas and fringes.
- Planning policy – review of developments and new commercial space as well as emerging Local Plan direction of travel for town centres neighbourhoods etc.
- Public Health – collation of information obtained during the development of the Joint Strategic Needs Assessment (JSNA), alcohol related incidents recorded by the London Ambulance Service, accident and emergency data and other relevant data sets.
- The Night-time Economy Stakeholder event in February 2016, Evening Economy soft consultation from 2016 and a number of Steering Group meetings.

**3.2 In addition to this core work, the follow is being undertaken:**

3.3 Consultants have been commissioned to undertake a Behavioural Study around Licensed Premises in Hackney. This is a qualitative “behavioural audit” of users and visitors in and around the key areas of the borough where higher concentrations of licensed premises are located. The study will differentiate between the uses and functions of the many licensed premises within the five nightlife clusters in the

evening/night time period (18.00-23.59) in comparison with the late night period (00.00-06.30). The five clusters are Shoreditch SPA and surrounds, Dalston SPA and surrounds, Hackney Central, Broadway Market and Stoke Newington. The objective is to feed this study into the development of policy including a review of cumulative impact of licensed premises and the need to introduce new SPAs and /or redraw the boundaries of existing SPAs.

3.4 Consultants have been commissioned to undertake a Cost Benefit Analysis (CBA) of the Evening and Night Time Economy in Hackney. It is acknowledged that the Evening and Night Time Economy (ENTE), led by the vibrancy of Shoreditch, has played a key part in the economic growth of Hackney over the last ten years. The CBA reviews the ENTE economic performance over the last ten years and assesses these benefits against reliably aligned statistics of cost. The outcome will provide timely and robust information to engage with partners, stakeholders and businesses to develop effective policies within a regulatory framework that promotes a sustainable ENTE.

#### **4. Evidence**

4.1 **The evidence is still being gathered in some cases and more detailed analysis is required.** However, some initial assessment of some of the evidence is shown in Appendix 1: Initial Evidence Summary, to provide an indication of the type of information we are collating and need to assess when formulating the Licensing Policy. This evidence base is not currently conclusive and will be added to, scrutinised and analysed in the next three to four months. The initial evidence does lend itself to some initial questions which can be further developed as more evidence is gathered and assessed.

#### **5. Next Steps**

5.1 The intention is to develop some policy options for discussion based around the evidence and the key policy areas which could cover some or all of the following initial examples:

- Cumulative Impact Policy – is there a need to retain the two existing SPAs in Shoreditch and Dalston as is?
- Do we need to extend or reduce the Shoreditch SPA area? If so how far should it be extended or reduced?
- Are there any new stress areas where cumulative impact is causing a concern?
- If retaining the SPAs do we need to change the existing SPA policies?
- Should Shoreditch have a more flexible hours policy similar to Dalston SPA?
- Do we want to question whether or not we increase the number of late night licenses in Dalston and what the implications of that might be?
- Hours Policy – shall we continue with the link to the planning hierarchy in terms of promoting areas around public transport and town centres?
- Looking at the crime statistics do we need to take some decisions about late night licences? Do we extend some licences to stagger dispersal times, or just control and police and manage the impact with the subsequent impact on resources?
- Given the increase in the food sector, and the lack of associated crime, should we simplify the originally proposed borough wide hours policy and have a blanket policy (as is the case with LP12) except for a couple of specific uses ie longer licensing hours for restaurants?

- Is there a real issue around the licensed hours of off-licences and late night refreshment premises? If so should we introduce shorter licensing hours for these uses?
- What is the impact of the 24 hour tube – does this affect our approach to our policy currently? Will it change when the London Overground runs in part 24/7 as has been suggested?
- 
- Should the policy seek to encourage new entertainment/live music venues alongside cultural/innovative premises?
- What can the policy do to help to protect existing live music venues?

5.2 Having produced some options for discussion, the intention is to carry out a targeted conversation on these potential policy options with specific groups and stakeholders prior to going to Licensing Committee with a proposed policy for consultation.

## **6. Timetable**

The proposed timetable is as follows:

- 31 January - Licensing Committee– Consider Direction of Travel Paper
- 8 February - Living in Hackney Scrutiny Commission – Consider Direction of Travel Paper
- February – March – conversations with stakeholders around Policy Option
- Licensing Policy Steering Group discussion of Policy Options
- 26 April - Licensing Committee – Draft policy for consultation
- May to August – Formal consultation
- September – Licensing Committee consider and recommend final policy for adoption
- October/November – Full Council adopts Policy
- 7 January 2018 – Policy becomes effective

## Appendix 1: Initial Evidence Summary

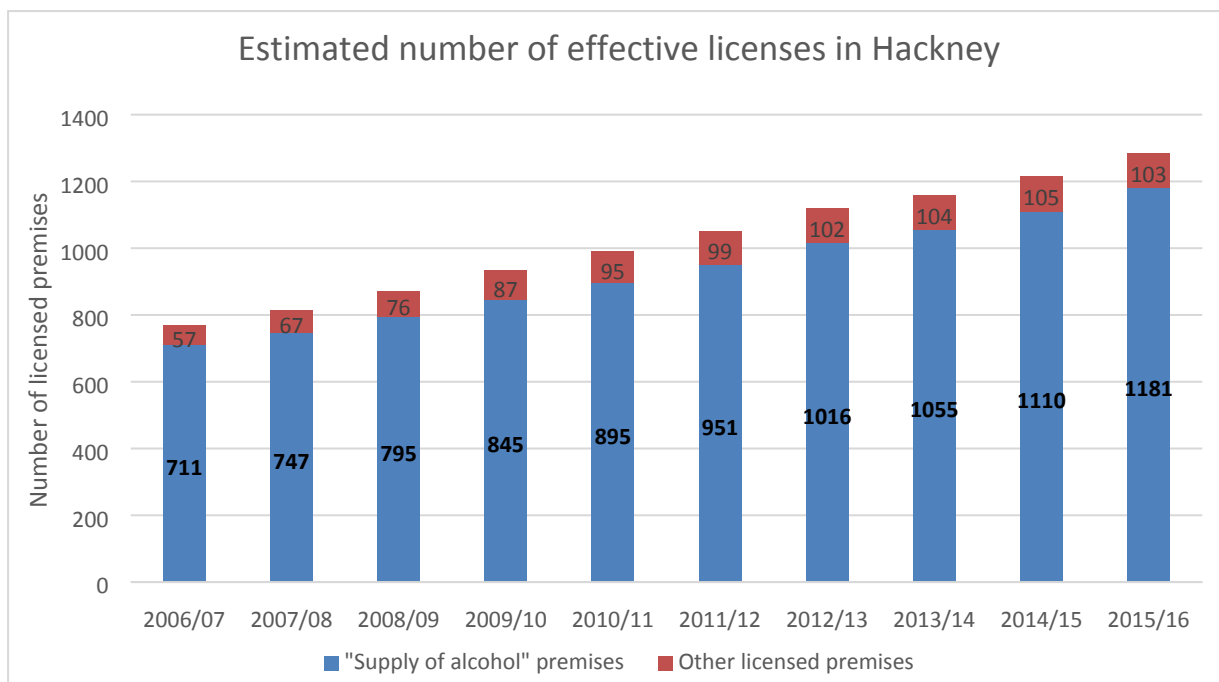
### 1. Licensing Statistics

The Licensing Service has provided details of licence/certificates to Safer Communities, Public Health and Waste Operations to enable the formation of the evidence base. The table below details the number of applications where the policy has been applied in the 5 years to 31 March 2016.

<b>Year</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
Total valid applications received	195	251	251	198	220
New premises licences	109	122	124	108	129
Time-limited premises licences	4	6	6	11	4
Club premises certificates	1	1	0	0	0
Variation of existing licence/certificate	43	66	65	43	48
Minor variation of existing licence/certificate	29	41	40	34	32
Reviews	8	13	13	1	7
Expedited review	0	2	3	1	0
Applications within Shoreditch SPA	30	36	37	15	24
Applications within Dalston SPA	N/A	N/A	10	18	22

The following table estimates the net number of licences/certificates effective in each of the 5 years to 31 March 2016.

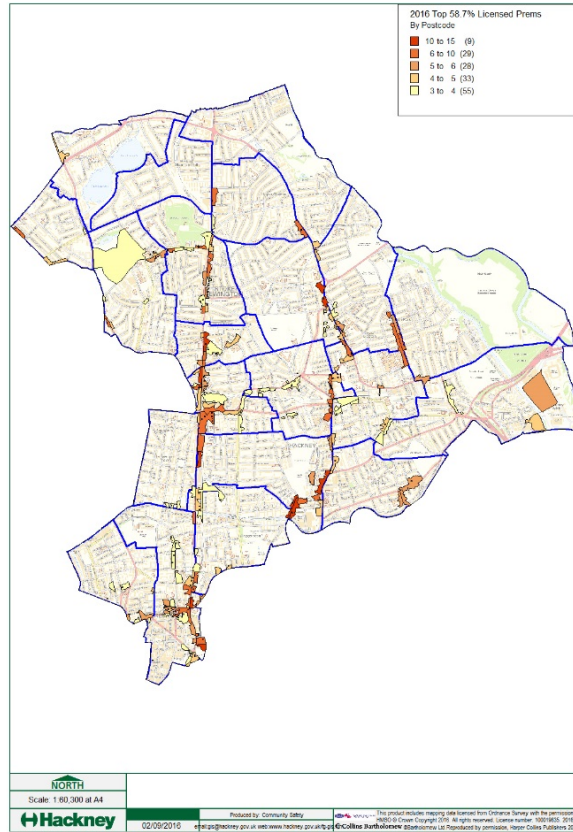
<b>Estimate of net number of licences/certificates effective</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
	951	1016	1055	1110	1181



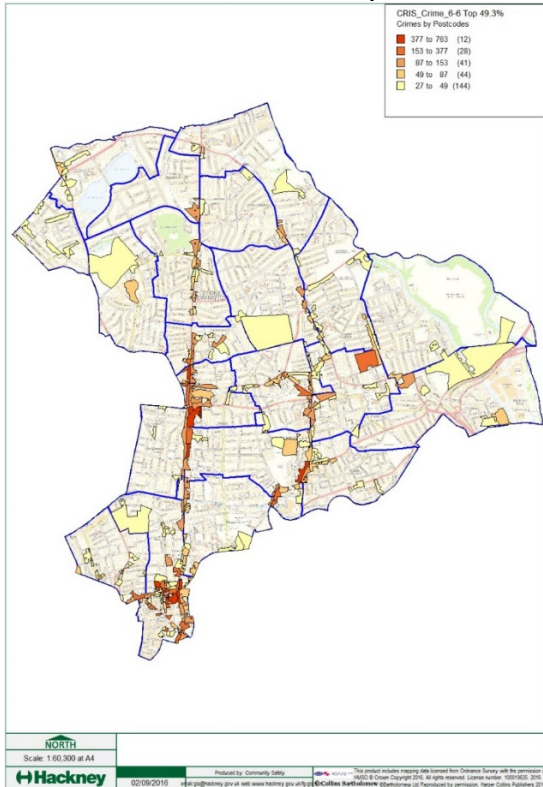
## 2. Crime Analysis related to Alcohol Statistics 2011-2016

- There is a clear correlation between the night time economy, alcohol, crime (particularly violence) and the location of licensed premises; places with high numbers of licensed premises also have much higher levels of crime and alcohol related injuries / illnesses. There also appears to be an impact on other services e.g. ambulance service in particular who deal with several alcohol related injuries and illnesses.

*Postcodes containing top 58.7% of Licensed Premises 2016*

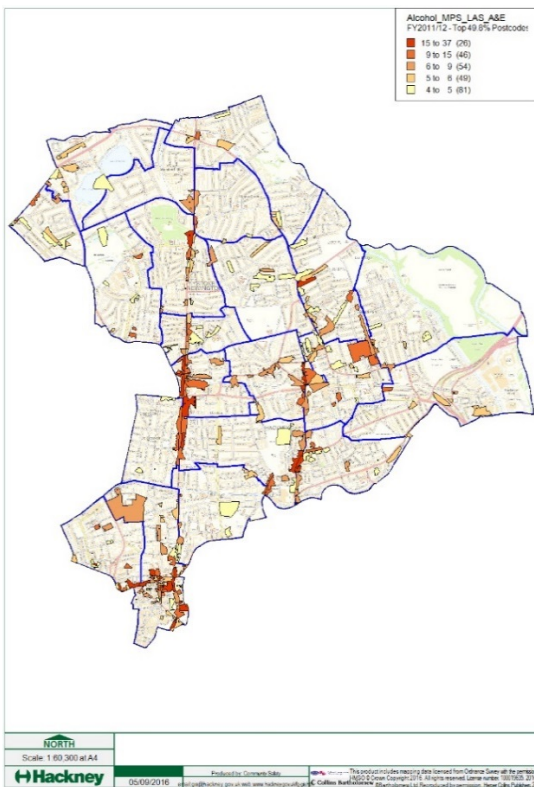


**MPS Crime 1800 to 0559 hours FY2011/12 to FY2015/16 Postcodes with top 49% crime**

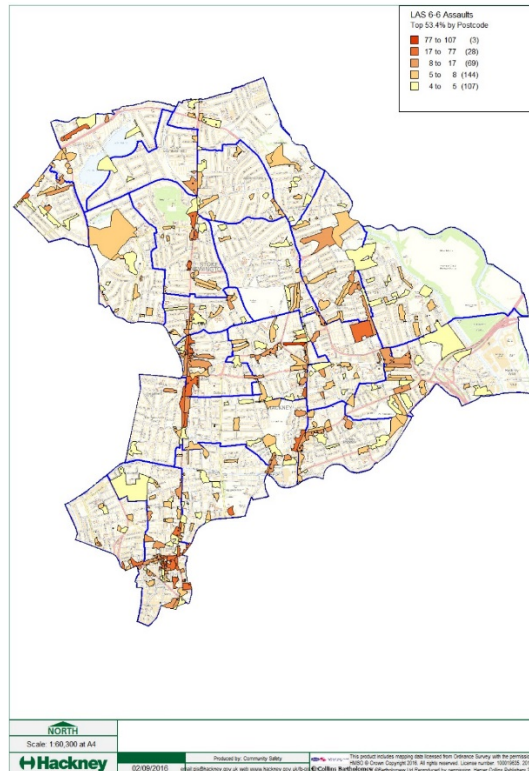
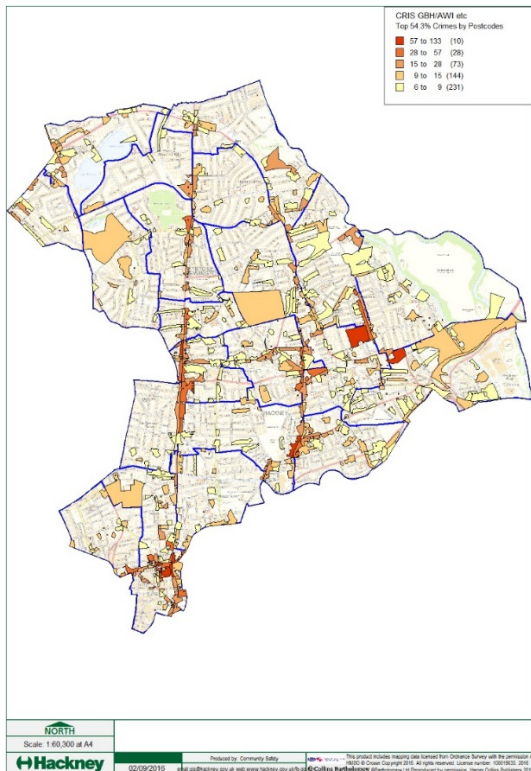


**More Serious Violence 1800 to 0559 hours. Postcodes with top 54.3% of offences FY2011/12 to FY2015/16**

**All Alcohol Related - Postcodes with top 49.8% incidents**



**Postcodes containing top 53.4% of Assault Related Ambulance Call outs FY2011/12 to FY2015/16**



- Overall, crime has gone down even though the total number of licensed premises have increased. That said the reduction in crime has no doubt been the result of vast police resources dedicated to tackling crime and enforcing licensing regulations in hotspot locations; most notably in Shoreditch and Dalston.
- Police stats show that theft has reduced, but violence has increased. The rise in violence might in part be due to changes in crime counting rules, but irrespective of annual crime trends, analysis has found that violent crime is consistently more concentrated in and around higher risk on-sales premises such as bars, clubs and pubs; particularly those with late night licences in high crime locations. Analysis of alcohol specific crimes also found that violence was much more prevalent in these circumstances. Where crimes were associated with any type of licensed premise, some 66% occurred within the vicinity of bars, pubs and clubs alone..
- Approximately two thirds of calls made to the ambulance service for treatment of alcohol and violence related illnesses and injuries occurred during NTE hours; a third at weekends during core NTE related hours.
- Hoxton East & Shoreditch comes in highest, for every type of record (licensed premise, alcohol related, plus A&E assaults, and ambulance alcohol related injuries and illnesses), and this implies a clear link to licensing / alcohol related issues, particularly during NTE hours. Alcohol and assault related ambulance calls actually increased in volume over the years, with the vast majority of demand during NTE hours. Analysis of all injuries and illnesses treated by the ambulance service in this area found that alcohol was a key contributor. Violence was congregated around the triangle, where there are a number of venues, plus at night there were issues around takeaways on the edge of the triangle, and congestion was a likely contributor to crime and violence.
- To consider further impact on the fringes of the Shoreditch SPA.
- Dalston is the second highest crime hotspot but to a much lesser extent than Shoreditch, and it is a little more restricted to Saturday and Sunday AM's (early hours). Again though clear links to NTE and licensing, even with thefts. This might in part be due to the fact that there are fewer late night licences, and the A10 is a



straight road, so the geography might be helping to disperse the problems (unlike in Shoreditch where people congregate in a small geographic area).

- London Fields / Mare Street j/w Well Street. NTE has impact but to a lesser extent It is believed that this has been achieved with a more diverse range of retail and licensed establishments that offer more variety and less focus on alcohol consumption alone. This is borne out from analysis of alcohol related illnesses and injuries which are less prevalent here, and this in turn most likely attracts a different clientele than in other areas where the main focus is on alcohol consumption. It is recommended that this type of mixed tenure be encouraged.
- Homerton and Hackney Central are problematic but to a much lesser extent. Much of the LP related crime was not connected with their trade as licensed premises (e.g. shoplifts from M&S, and Tesco's), and the daytime economy is still more prevalent in these two wards. There were some problems when new premises opened and some existing premises have had long standing problems but these have been managed. There is a need for a clear plan about how we manage the development and growth in the NTE in these two wards.
- Hackney Wick - no real issues but there is some evidence that alcohol / NTE related crime is emerging, so it is an area to watch. Again this will probably require a plan in terms of how it grows and develops so that it can be managed in the long term.
- General policy issues - A&E alcohol data raised concerns regarding victimisation of females who are sexually assaulted by males – some domestic related, but the majority were drug / alcohol related and they mostly occurred in pubs, bars and clubs. Some perpetrators were known to the victim, but in more cases victims were attacked by total strangers. There might need to be some consideration of safeguarding with riskier premise types, or those in problem areas (see below) where licensees are encouraged to develop staff training / awareness programmes, initiatives to identify and protect the vulnerable, and to set clear standards of behaviour for their clientele. A few incidents were said to involve door staff / security, and there might need to be some training about conflict resolution built in again in riskier areas or premise types.
- 17% of patients requiring emergency hospital treatment for alcohol related injuries had been assaulted with the use of bottles and glass. One licensing consideration should be to review whether or not to put in place restrictions on the use of glass and bottles at venues with higher levels of violence, or at all bars, pubs and clubs in high crime / SPA locations. With continued regeneration and growth in the licensing / hospitality industry, and the evidence of growing and emerging markets there is the question of how to manage and control adverse behaviours, above and beyond what is already happening in well established markets. Hackney Police have committed additional resources to minimise the harms associated with the NTE and licensing activities. Cuts to police (and partner) resources could see the removal of dedicated units. Not only would this adversely impact existing levels of service in the busiest locations, but there is the question of how to additionally service growing and emerging markets. If HC and Homerton grow, plus Hackney Wick and London Fields etc., then we will need to police, cleanse and potentially deal with more injuries and alcohol related illnesses at these locations. One option would be the late night levy to pay for combined services.

### **3. Waste/Cleansing**

The waste and cleansing services dedicated/part dedicated to the NTE activity is as follows:

- 4 refuse collection vehicle rounds, mid-shift loop (follow a predetermined route), PM loop, night time loop and evening recycling loop. The night time loop was added for

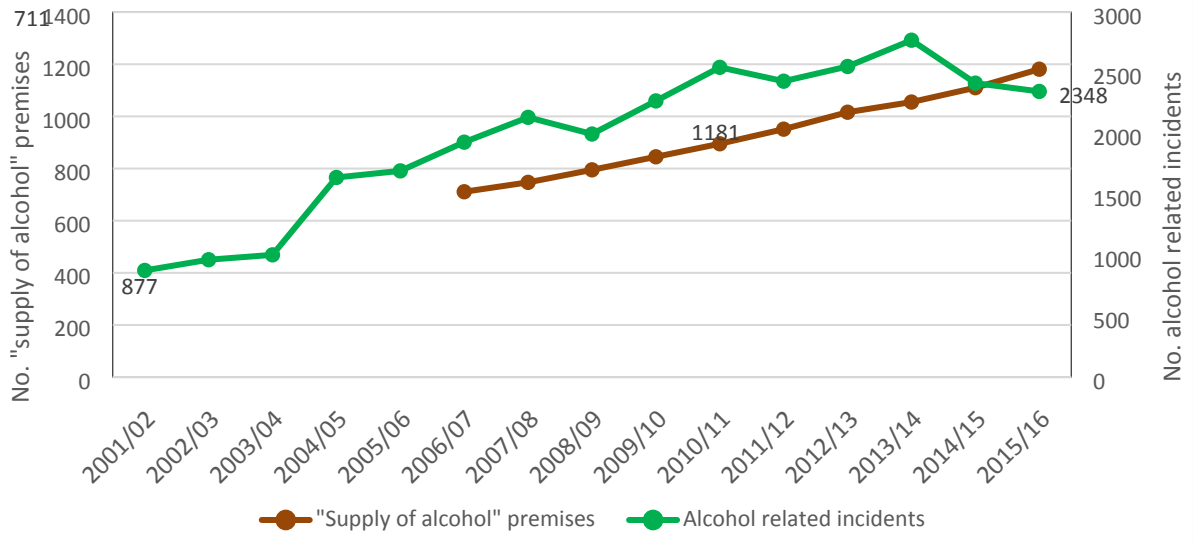
the Olympics and such were the improvements to the early morning street scene it was continued.

- Night time glass clearance:
  - 2 x Dedicated Mechanical Brooms
  - 2 x Dedicated Small Mechanical Brooms
  - City Team Sweep
  - 9 x Street Sweepers
- Street Washing Crew at weekends to deal with urination, vomit and other spillages.
- The Weekend EPA cleansing service is designed specifically to deal with SPA areas, handing over directly from the night service and dealing with the remainder of issues In Shoreditch, Dalston and Stoke Newington/Hackney Central to a lesser extent.
- Whilst delivery issues such as accessibility, pavement blockages and anti-social behaviour do exist, the service is designed to deal with the increased volume of litter & refuse produced through night time activities.
- Increased cleansing requirement, refuse collection, management of time bands, unregulated waste in the following areas - Hackney Wick, Chatsworth Road, Broadway Market and London Fields area including Mentmore Terrace, Well Street, Mare Street - southern section from Richmond Road and towards Cambridge Heath. As new developments complete there will be increased pressure and users of local amenities such as pubs, bars and restaurants.
- The future growth of markets will add pressure to the existing services and have budgetary implications.
- Road layouts, systems and regulations add to the difficulties in delivering NTE services. Red Routes, restrictions on collection times either business or resident related, traffic (particularly in Shoreditch), increased development of pedestrian areas and one-way systems (again mostly Shoreditch).
- The Environmental Enforcement team are involved in licensing approval, specifically ensuring that waste arrangements and the management of space outside of premises is managed.
- The team have carried out a number of NTE operations in conjunctions with environmental operations and supported by police. These are intelligence led and to date have focussed on key roads and locations within Shoreditch and Dalston.
- Typically one operation is carried out each month. Issues addressed include illegal street trading including of nitrous oxide, street urination and smoking related litter. At present the team are working to address unregulated waste production at night and street litter during this period, particularly fast food containers. In addition the issue of spent nitrous oxide canisters is creating cleansing issues as these are jamming mechanical equipment. Operations are being planned to address these issues.

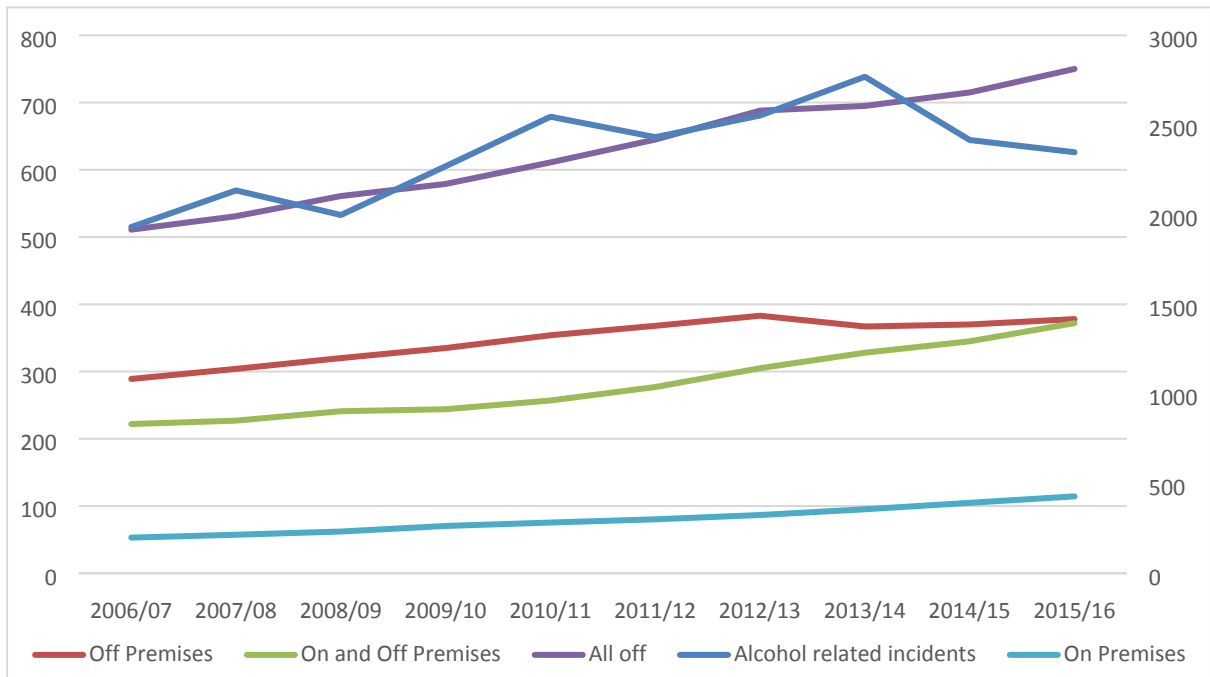
#### **4. Public Health**

The Council's Public Health Service has noted that the increase in the number of alcohol licensed premises correlates with an increase in the number of alcohol related incidents recorded by the London Ambulance Service.

Number of "supply of alcohol" premises (2006/07 to 2015/16) & number of alcohol related incidents (2001/02 to 2015/16)



The following chart breaks this down further into alcohol sales types as authorised by the licences.



## 5. Night-time Economy Stakeholder Event

On the evening of the 24 February an event was held with a variety of key stakeholders involved with the Night Time Economy (NTE). This event was part of the 'Hackney: a place for everyone?' Campaign and a precursor to the development of future Licensing Policy for the borough. The event was organised as a platform to discuss how Council services can work together to balance the needs of Hackney's night time economy, taking into account the views and experiences of businesses, visitors and residents.

The questions and popular responses included:

### A. **Positives** - What do you like about Hackney's NTE?

- Diversity of the offering within the Night Time Economy – type of venues and cultural offer.
- Independent businesses enriching the cultural offer.
- Area feels safer.
- Regeneration/ economic benefits.
- For business operators, there is a good relationship via a cooperative approach to regulation.
- Streets are cleaners/ cleaned more often.

### B. **Improvements** - What aspects of Hackney's NTE would you like to improve?

- Better communication/ collaboration between residents and businesses.
- Reduction of Antisocial behaviour (urination, noise nuisance, public disorder).
- Enforcement activity to deal with antisocial behaviour.
- Public Toilets.
- Business contribution/ levy.
- More support for independent business.
- Licensing hours/ staggering closing times/ effective dispersal policies.
- Diversity of cultural offer/ type of venues.

### C. **Challenges** - What do you see as the main challenges for the evening (6pm to 10pm) and the night-time economy (10pm to 6am) in Hackney?

- Antisocial Behaviour/ detrimental impact of NTE.
- Dispersal of congregated patrons.
- Evening/ Night-time economy.
- Enforcement.
- Effects of change in the borough – population and types of businesses.
- 24 hour tube service.

### D. **Opportunities** - What do you see as the main opportunities for the evening and night-time economy?

- Link between day, evening and night-time economy.
- Communication.
- Better collaboration between residents and businesses.
- Public toilets.
- Warden scheme.
- Potential areas of growth.
- Licensed premises making a contribution.
- Employment opportunities for local people.

- Dispersals policies/ staggered closing times.
- Off licences.
- Look at other licensing models – nationally.

E. **Your contribution** - How could you use your expertise, innovation or resources to help improve the local area in the evening and night-time?

What **SUGGESTIONS** have you got for managing the impacts of the NTE?

- Encourage more local people to visit the establishments.
- Better partnership working.
- Late night levy.
- More police presence/ expansion of warden scheme.

F. **Working in partnership** - How do you think all partners (licensees/ Council/ Resident Associations etc.) can **WORK TOGETHER** to ensure benefits of the NTE continue to be realised whilst reducing the impacts on local residents?

- Better collaborative partnership working.
- Business contribution.
- Better collaborative working between residents and businesses.
- Managing growth of the NTE.
- Lack of diversity of offer.
- Effective dispersal policies.
- Enforcement/ Temporary Event Notices.

## 6. Evening and Night-time Economy Soft Consultation

The consultation ran from 25 April to 17 July 2016. Residents were asked to have their say about Hackney's nightlife between 6pm to midnight (evening economy), and midnight to 6am (night-time economy). This included socialising in pubs, bars, clubs, restaurants, music venues, theatres and cinemas across the borough.

The consultation was publicised via the corporate consultation channels – ensuring residents and businesses were aware of the consultation. The wider publicity involved having the information in Hackney Today, on the Hackney website, and sending the information to stakeholder lists held by Licensing and Regeneration. Feedback from the consultation is being used to inform the development of the Council's future licensing policy for the borough.

The event was covered by the Hackney Gazette and followed up with a positive and interesting double-page spread in the Thursday 3<sup>rd</sup> March 2016 edition of the paper.

The public consultation received 2242 responses via the online and paper response mechanism. A summary of responses can be found below:

- 73% were Hackney residents, 26% visitors to Hackney and 27% work in Hackney.
- 83.99% (1883) provided a Hackney postcode. The majority of responses 21.45% (481) were from the E8 postcode area.
- The most popular evenings to socialise/ go out in Hackney are towards the end of the week, Thursday, Friday and Saturday, with the most popular day being Friday (90.95%).

### A. Socialising 6pm to 12am:

- Most popular reason for visiting Hackney in the evening (6pm to 12am) is to visit a bar/ pub or eat out at a restaurant. The least popular option chosen was late night shopping.
- Restaurants, pubs and bars are the most popular places to socialise in Hackney in the evening, 6pm to midnight.

### B. Socialising 12am to 6am:

- Nearly half of respondents 47.99 % (1076) go to a pub, club, restaurant or any other type of alcohol-licensed night-life venue after midnight, 1 – 2 times a week.
- 21.77 % (488) visit an alcohol licensed venue after midnight 3 – 4 times a week.
- Most respondents 45.85% (1028), are out after midnight 1 – 2 nights a week.
- The most popular places for people to socialise in Hackney in the night-time (12am to 6am) is: Clubbing/ night bars and bars.

### C. Improvements

- Provision of public toilets (49%) and litter and waste (43%) were most often cited as improvements. The provision of more toilets in licensed premises was also cited (21%)

### D. Leisure time – top of mind thoughts – Positive

- The majority of the positive mentions related to the fact that the area is Fun/Lively/Vibrant/ Exciting (25%). This was closely followed by the fact that there's Variety/ Lots to do/ Choice (21%).

E. Leisure time – top of mind thoughts – Negative

The majority of the **negative mentions** related to:

- Issue with closing early / Closes too early / No all-night venues (7%)
- Security concerns/ Not safe/ ASB/ Needs more policing (3%)
- Things being affected by licensing restrictions/ places losing their licenses (3%)
- Crowded/ over-crowded/ too busy (3%)

F. Suggestions for improvements

- Open later / later licenses / Additional venues open later / less early closing etc. (19%)
- More understanding on licensing / Less regulation / More flexible/Less strict enforcement / Do not take away licenses (12%)
- Mention of requirement for particular offering/type of venue/event e.g. Increase cinema, More gay bars etc. (11%)



## 7. Steering Group

The Steering Group was created in August 2016 and is responsible for consulting on all major decisions in respect of the consultation process as well as ensuring overall quality of output.

The group includes lead Licensing Members, internal officers, partners, residents and NTE business owners, and has focused on the key policy areas as flagged up through stakeholder engagement.

The schedule of discussions is as follows:

Topic of Discussion	Date
Late Night Levy Off Licenses	August 2016
Managing Growth Protection of Pubs and Music Venues	September 2016
Public Nuisance Temporary Event Notices (TENs)	February 2017
Public Health Late Night Refreshment	March 2017
Evidence Review Special Policy Areas (SPAs) Hours	April 2017

- **Late Night Levy/ Off Licenses** – The group was generally in favour of a mandatory levy but voiced concerns over the operational activities of off-licenses. Concerns included the irresponsible selling of alcohol and opening hours.
- **Managing Growth/Protection of Pubs and Music Venues** – Members of the group voiced concerns over the increase of one particular type of premises (restaurants/bar) at the expense of others (retail/craft). Paul Bradford, Head of Music at the GLA attended to provide some perspective on the wider London agenda. A Senior Planning Policy Officer joined the session to share the area action plan.

## 8. Cost Benefit Analysis

**Note - The costs work is still to be undertaken. The following outlines some of the benefits:**

- In 2015 1375 firms in Hackney were engaged in activity in what is classified as the Core Evening and Night Time Economy (845 in 2005, 995 in 2010).
- In 2015 there were 2530 firms in Hackney engaged in non-core but related ENTE activity (1975 in 2005 and 2045 in 2010).
- Core ENTE activity equates to 7.1% of the whole economy supporting 6.2% of jobs. Non-core ENTE comprises 13.9% of the overall economy and supporting 25.4 % of jobs.
- In the Core ENTE there has been a significant rise in the Food related businesses, rising from 500 in 2005 to 920, whereas Drink related businesses have increased from 250 to 320.

- The Gross Value Added (GVA) of the ENTE to the local economy is estimated at £96 million
- The costs of the ENTE to the public sector locally /nationally are *[data to be added]*
- The revenues associated with the ENTE to the public sector locally/nationally are *[data to be added]*
- The costs to Hackney Council are significant £*[data to be added]* and yet Hackney Council receives none of the public sector revenue which is paid as business rates, income tax, corporation tax, NI, VAT, gambling duty, excise duty, night time levy
- Hackney currently only receive £ *[data to be added]* from the voluntary levy as a direct result of the activity of the ENTE businesses.