



LICENSING COMMITTEE

Tuesday, 31st October, 2017

at 7.00 pm

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

Membership

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

TIM SHIELDS
Chief Executive

Contact:
Jessica Feeny, Governance Services Officer
Tel: 020 8356 1266
Email: jessica.feeny@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

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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 October, 2017

ORDER OF BUSINESS

Item No		Page No
1	Apologies for Absence	
2	Declarations of Interest - Members to declare as appropriate	
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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 Director of Legal
- 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 Suki Binjal, Interim Director of Legal, on 020 8356 6234 or email suki.binjal@hackney.gov.uk



FS 566728



MINUTES OF A MEETING OF THE LICENSING COMMITTEE

WEDNESDAY, 21ST JUNE, 2017

- Councillors Present:** Councillor Emma Plouviez in the Chair
Cllr Christopher Kennedy, Cllr James Peters and Cllr Caroline Selman
- Apologies:** Councillor Brian Bell, Councillor Sophie Cameron, Councillor Margaret Gordon and Councillor Peter Snell
- Officers in Attendance:** Emma Perry (Governance Services Officer), Butta Singh (Senior Solicitor for Licensing) and David Tuitt (Team Leader – Licensing (Policy and Operations))

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Bell, Cameron, Gordon and 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 **RESOLVED** that the minutes of the previous meeting held on 26 April 2017 be AGREED.

- 3.2 **RESOLVED** that the minutes of the previous Extraordinary meeting held on 24 May 2017 be AGREED, subject to the following amendment:-

- **Establishment and Composition of the following Sub-Committees**

That the establishment and membership of the Licensing Sub-Committees A to E be approved, as set out below, for the 2017/18 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 Ian Rathbone

Licensing Sub-Committee C

Councillor Sade Etti
Councillor Margaret Gordon
Councillor Peter Snell

Licensing Sub-Committee D

Councillor Brian Bell
Councillor Barry Buitekant
(Vacancy)

Licensing Sub-Committee E

Councillor Emma Plouviez
Councillor Caroline Selman
Councillor Simche Steinberger

4 The Late Night Levy

- 4.1 David Tuitt, Licensing Team Leader, Policy & Operations, introduced the report as set out in the agenda. David Tuitt advised that on 4 April 2016 the Licensing Committee had considered a report on the powers to introduce the Late Night Levy (LNL) and recommended that the Council hold a consultation. On July 2016 the Council resolved to consult on a proposal to introduce the Late Night Levy. The report provided the Licensing Committee with an update on the position following the consultation.
- 4.2 Established under the Police Reform and Social Responsibility Act 2011, the LNL was a provision enabling licensing authorities to charge a levy to persons who were licensed to sell alcohol in the local area late at night. The revenue raised was then used as a contribution towards the costs of policing the late night economy. The LNL could only apply to premises licensed to sell alcohol between the hours of midnight and 6am and must apply to the whole area covered by the licensing authority.
- 4.3 It was explained that the LNL was 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 would be at least 70% to the Police, with the remainder being retained by the Licensing Authority.
- 4.4 David Tuitt advised that LNL would impact about 400 businesses within the Borough and was expected to generate around £362,000 per annum, including a contribution towards the £1.4 million cost of policing and community safety. If approved by Council on 26 July, it was expected that the Late Night Levy would be introduced on 1 November 2017.
- 4.5 Reference was made to the consultation report detailed in the agenda, which showed that overall people were in favour of the introduction of a LNL, with 52.46% in support. This represented a very even response, with a percentage difference of 4.92%.

- 4.6 Discussion took place regarding the proposed hours for the LNL and it was explained that the hours between midnight and 3am had the highest levels of anti-social behaviour, in general.
- 4.7 Reference was made to the consultation response from Whitbread and their query regarding New Year's Eve and why this was not proposed to be exempt under the regulations. David Tuitt stated that there was an argument for New Year's Eve to be exempt and for premises to operate this under a Temporary Event Notice (TEN).
- 4.8 In response to a question from Councillor Kennedy, it was confirmed that all businesses within the borough that had a late night licence beyond midnight had been sent a letter regarding the consultation. It was explained that, if approved, there would be a 3 month period to allow any premises that wished to amend their licence before the Late Night levy was introduced.
- 4.9 In response to a question from Councillor Peters, it was confirmed that off licenses would be included in the Late Night Levy, if operating beyond midnight.
- 4.10 Discussion took place surrounding Business Improvement Districts (BIDs), which was a geographical area in which the local businesses had voted to invest together to improve their environment. BIDs were business-led organisations, funded by a mandatory levy on all eligible businesses after a successful ballot. Members queried whether BIDs could work in Hackney, as it was noted that there was already a voluntary levy operated by a number of licensed premises in the Dalston and Shoreditch areas. Councillor Selman believed that licensed premises should take a collective responsibility for the late night economy.
- 4.11 Councillor Plouviez referred to the London Fields area and suggested that there may be a need for additional wardens, given the anti-social experienced in that particular area.
- 4.12 Discussion took place regarding hotels and whether they should be excluded from the LNL, given that after midnight it was suggested that they were likely to supply alcohol to paying guests and therefore not contribute to the number of people in the surrounding area. In response to the discussion it was agreed that, if approved, there would be no exemption categories added to the LNL.
- 4.13 The Licensing Committee stated that if the LNL was introduced, they requested that they be informed of the terms of reference and the set-up of the Board and include a reporting mechanism for all relevant matters relating to the levy and how it was being used.
- 4.14 Reference was made to paragraph 4.2 of the report, which referred to the provisional offer of a reduction of up to 30% by the licensing authority. The Licensing Committee stated that they would leave it to the Board to decide on any concessions provided within the LNL.

RESOLVED that:-

- (i) The contents of the report and appendices be noted.
- (ii) Council be recommended to introduce the late night levy, subject to the following:

Wednesday, 21st June, 2017

- If approved, the Licensing Committee be informed of the terms of reference and the set-up of the Board for noting and comment. It is also expected that the terms of reference include a reporting mechanism to the Licensing Committee on all relevant matters relating to the levy and how it is being used.

Duration of the meeting: 19:00 – 20:15



LICENSING SERVICE – ANNUAL REPORT	
LICENSING COMMITTEE 31 OCTOBER 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 The purpose of this report is to inform the Committee of the activities and performance of the Service during the 2016/17 municipal year and to show aims and targets for the forthcoming 2017/18 year.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee notes the report.

3. BACKGROUND

- 3.1 The Licensing Service has been preparing an annual report to the Licensing Committee since 2009. This report provides an update on the main operational functions of the Licensing Service in terms of applications, policy and enforcement.

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 2016/17. The report is retrospective, and therefore has no immediate financial implications.
- 4.2 The Licensing Service generated an annual income of £744k in 2016/17, against budgeted income of £581k. Expenditure was £796k against budgeted expenditure of £793k. The income surplus was attributable to the Highways Act 1980 functions which have also accounted for the highest volume in terms of overall numbers of applications received (See Appendix 1).
- 4.3 The administration of highways functions transferred to Streetscene on 1 February 2017 as part of the Cross-Cutting Enforcement Review. The respective service income budgets were updated in 2017/18 to accommodate this transfer.
- 4.4 The Licensing Service will continue to manage its costs within the financial constraints determined by income from externally regulated and locally set fees.

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;

- The Immigration Act 2016 came into effect in April 2017 and as outlined within the last annual report and at the training session in April, it amended the Licensing Act 2003 ('the 2003 Act') to include amongst other things includes:
 1. The Secretary of State ('SoS') has become a responsible authority;
 2. A premises or a personal licence holder must be entitled to work in the UK;
 3. Existing premises/personal licences will lapse if a licence holder ceases to be entitled to work in the UK;
 4. An immigration offence will be a relevant offence in respect of personal licence applications;
 5. Notice of a transfer application should be given to the SoS and can be rejected if its 'appropriate for the prevention of illegal working in licensed premises to do so';
 6. Immigration officers will have the right of entry to a premises to investigate immigration offences and can issue Illegal Working Closure Notices for up to 48 hours;
 7. Immigration officers also have the power to apply to the courts for compliance orders; and
 8. A review of a premises licence shall be triggered when a compliance order has been made by a court.

- The Policing and Crime Act 2017 ('the 2017 Act'), which received Royal Assent on 31st January 2017, has by regulations been partly introduced on 6th April 2017. The effect on the 2003 Act is as follows;
 1. There can only be a single appeal within 48 hours against any Interim Steps taken by the Premises Licence Holder, unless there has been a material change in circumstances;
 2. Amending the summary review process to allow licensing authorities to keep interim steps in place between the review hearing and the outcome of any appeal;
 3. The Licensing Authority, having the power to suspend, for up to 6 months, or revoke a Personal Licence upon it becoming aware a Personal Licence Holder has been convicted of a relevant offence;
 4. The definition of alcohol has been amended to ensure that powdered alcohol and vaporised alcohol fall within the definition set-out within S.191 of the 2003 Act; and
 5. Removed the requirement to lay the S.182 Guidance before Parliament when it's revised. The guidance will retain its statutory status and will simply enable amendments to the Statutory Guidance to be made quicker.

- Regulations to the 2017 Act are still to be made to introduce the following change to the 2003 Act;
 1. To put Cumulative Impact Policies onto a statutory footing

- Regulations are also still being awaited to amend the legislation (the Police Reform and Social Responsibility Act 2011) covering Late Night Levy, which will enable the following;
 1. A Levy to be applied in its area or part of its area (as opposed to just the whole borough);
 2. A Levy to be introduced for either alcohol authorisations on its own or alcohol and late night refreshment authorisations (i.e. extending the levy to include late night refreshment outlets, except those that are just providing hot drinks);
 3. Different requirements to be applicable to different parts of its area, this allows different times/periods to be applied when the LNL relates to both alcohol and LNR; and
 4. A requirement for licensing authorities to publish information on how funds raised through the levy are spent

5.3 The last annual report outlined that a House of Lords select committee appointed in May 2016 had been appointed to consider the Licensing Act 2003 and that they would be reporting back before 31st March 2017. The report was published in April 2017 and a comprehensive update was provided at the training session on 26th April 2017. In summary the select committee considered both oral and written evidence since the introduction of the Act in 2005 and believed that the Act requires a major overhaul and outlined a number of recommendations including a merger of the Licensing and Planning Committees. The majority view was that any merger would be a retrograde step, but acknowledged there may be some benefit from closer integration of the licensing and planning regimes. The Home Office is still to provide a response to the select committee's report.

APPENDICES

Appendix 1 – Annual Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

Report Authors	<p>David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk ☎ 020 8356 4942</p> <p>Subangini Sriramana Senior Licensing Officer subangini.sriramana@hackney.gov.uk ☎ 020 8356 4915</p>
Comments of the Group Director of Finance and Corporate Resources	<p>Philip Walcott Philip.walcott@hackney.gov.uk ☎ 020 8356 2396</p>
Comments of the Director of Legal	<p>Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk ☎ 020 8356 6295</p>

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Licensing Service

Annual Report 2016/17

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. Look back / Projects
8. Planned Activity for 2017/18

APPENDIX – SUMMARY TABLES

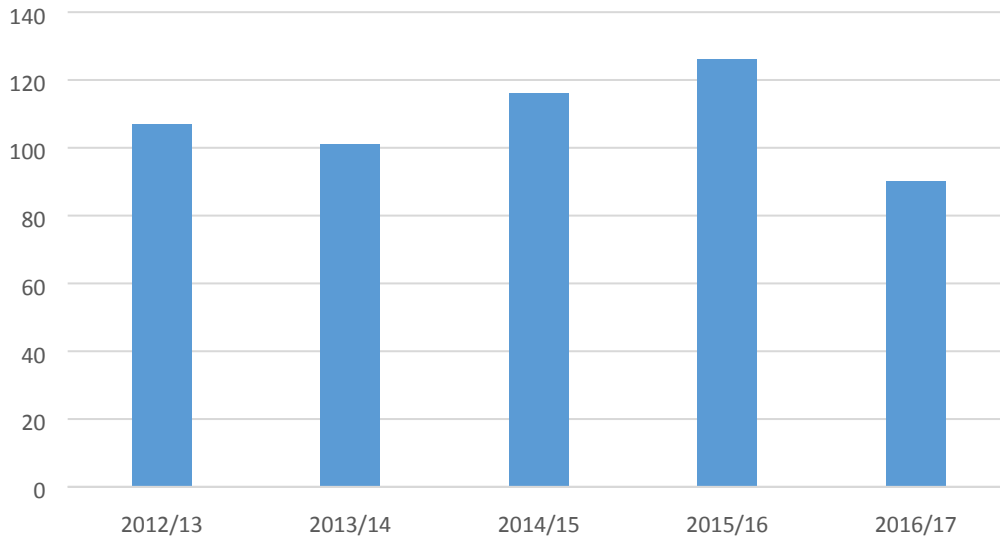
1. Introduction

- 1.1 The purpose of this document is to report on the activities and performance of the Service during the 2016/17 municipal year and to show aims and targets for the forthcoming year. The Licensing Service has been preparing an annual report to the Licensing Committee since 2009.
- 1.2 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.
- 1.3 Officers conduct pro-active inspections of licensed premises to ensure compliance with authorisations and advise businesses of their responsibilities. The enforcement functions involve investigations into complaints of alleged unauthorised activity as well as targeted night visits in order to witness and resolve allegations. Formal enforcement actions are taken when merited.
- 1.4 Officers also fulfil the responsible authority role on behalf of the Licensing Authority as defined under the Licensing Act 2003 and the Gambling Act 2005. This entails reviewing new and variation applications and considering making representations in line with the Council's Licensing Policy.

2. Licensing Act 2003

Premises licences granted

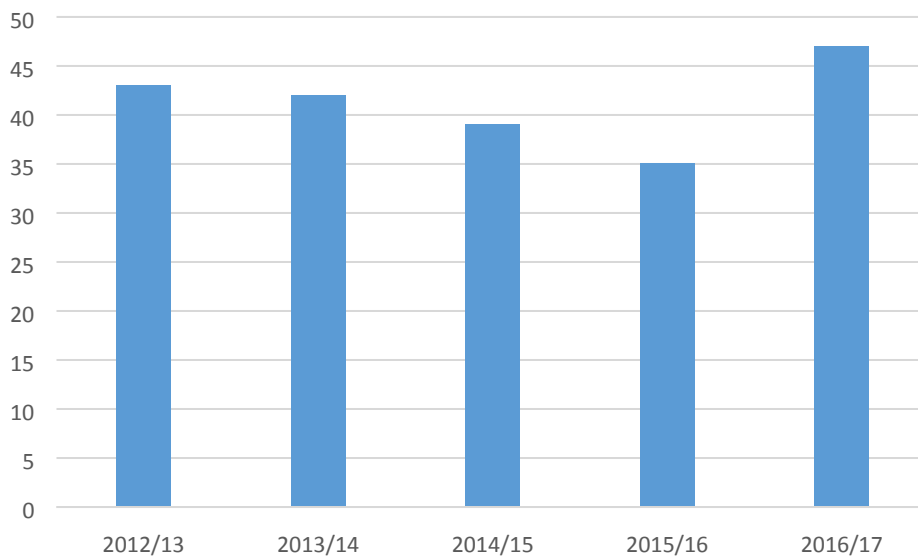
2.1 A premises licence authorises a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of late night refreshment, under the Licensing Act 2003.



1. Premises licences issued

2.2 Fig. 1 highlights the numbers of new licences granted. The number of new licences granted fell by 28% compared to the previous year. Statistically the trend had been upwards over the last five years.

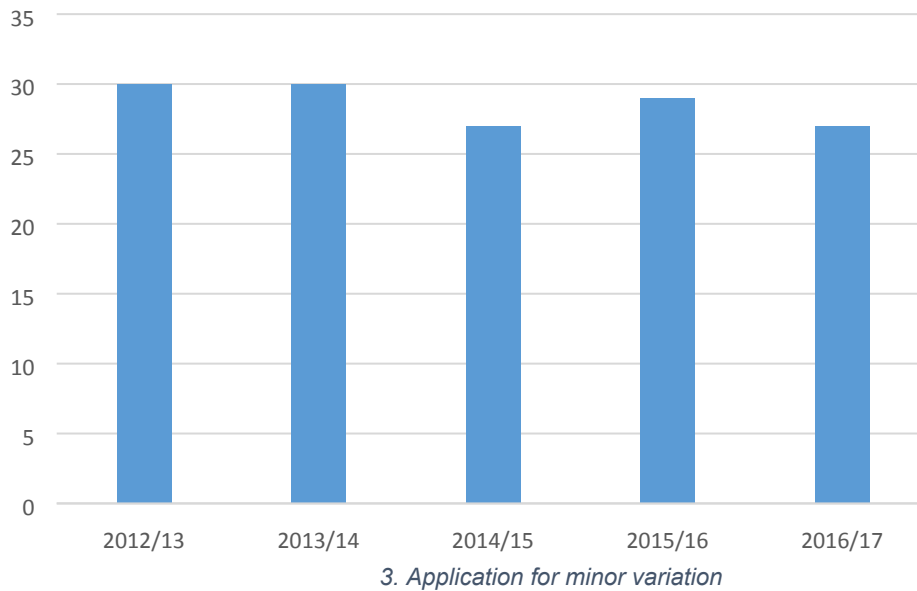
Variations of existing premises licences/certificates



2. Variations of existing premises licences/certificates

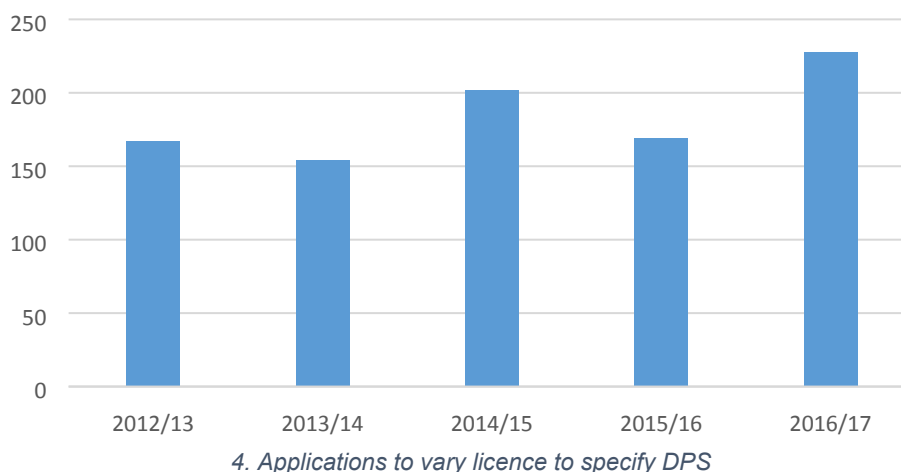
2.3 Fig. 2 highlights that the number of full variations of licences/certificates increased when compared with the previous year after peaking in 2012/13.

Minor variations



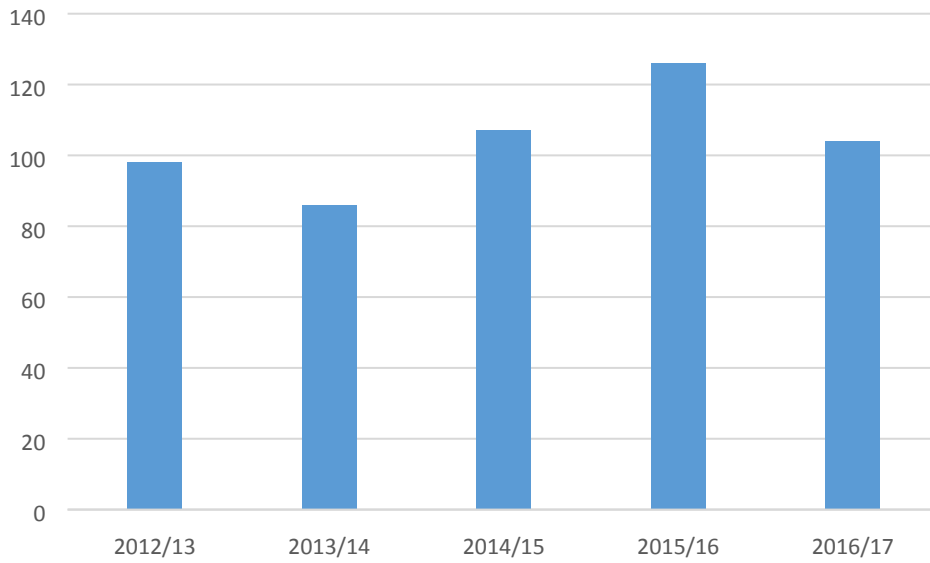
2.4 The number of minor variation applications remains relatively stable as can be seen from the performance. The 2016/17 figure is down on the previous year but consistent with the historic average.

Variations to specify an individual as 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 notable number of these each year. The figure received in 2016/17 was up 35% to 228 from 169 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.

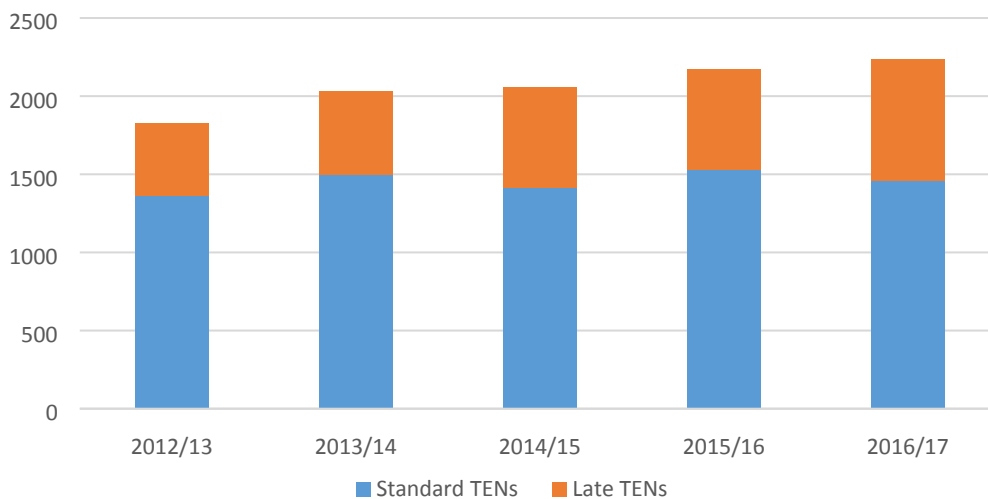
Transfer of premises licences



5. Transfers of premises licences

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

Temporary Event Notices (TENs)



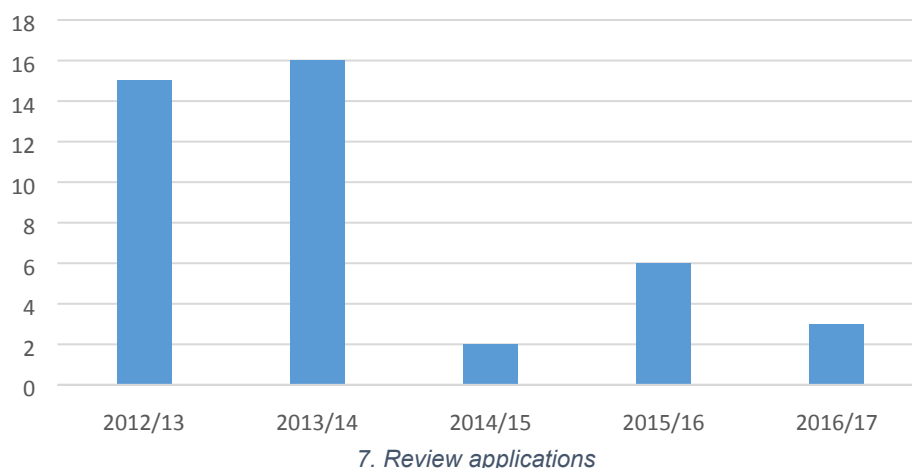
■ Standard TENs ■ Late TENs

6. Temporary Event Notices

- 2.7 The overall number of TENs received increased from the previous year. Standard TENs fell 1% to 1446. However, the number of late TENs received climbed 20% to 777. This is despite the Home Office guidance suggesting late TENs are to “assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice...”

- 2.8 It should also be noted that 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.
- 2.9 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 5 years, which has had an impact on resources for the Licensing, Environmental Protection and Police Licensing teams.

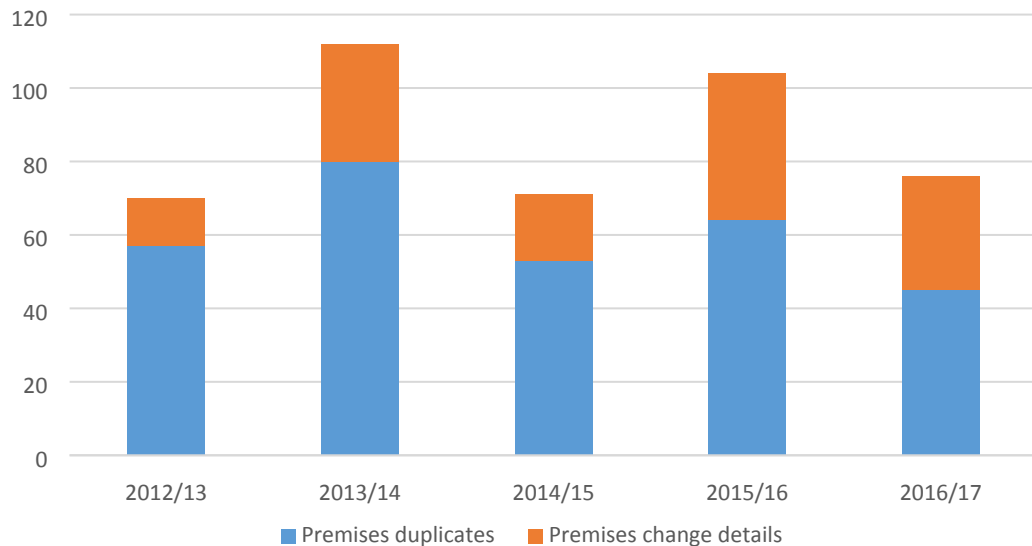
Reviews of premises licence/club premises certificates



- 2.10 The Service received three review applications last year. However, the figures remain some way below historic averages.

Premises Licences – Requests for Duplicates

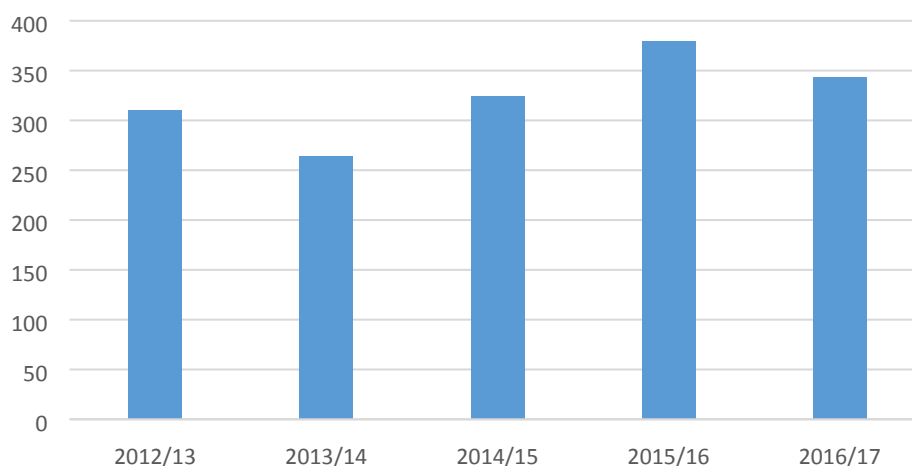
2.10 The Service has experiences demand due to requests for duplicate documents. This is primarily a desktop administrative process involving the reprint of the two-part licence. And although the numbers being requested are significant, they appear to fluctuate year-on-year.



8. 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 changing a registered address, accounted for around 2 fifths of the demand last year.

Personal licences

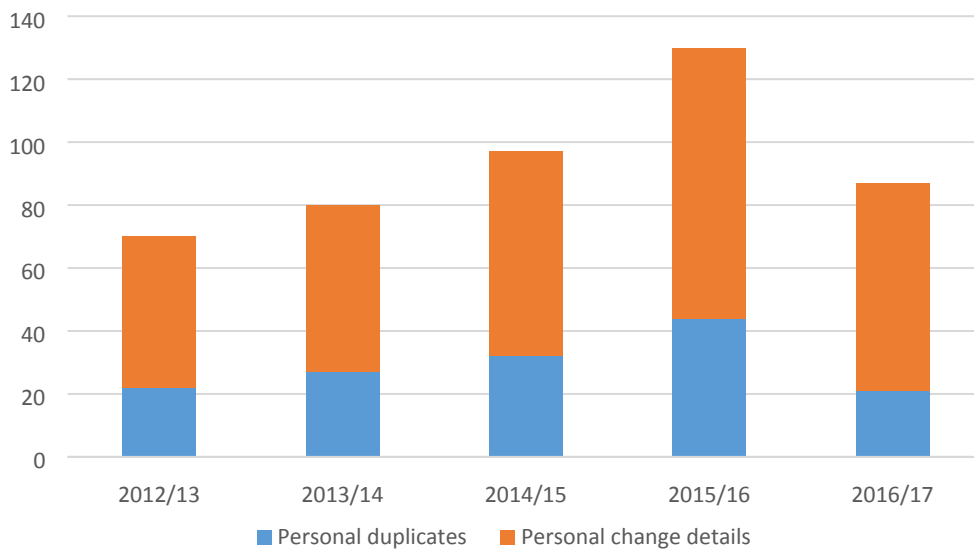


9. Personal licences issued

2.12 Grants of new personal licences fell 9% last year to 343, following three consecutive years of growth as illustrated above. The Council has granted over 3400 personal licences since the commencement of the Licensing Act 2003.

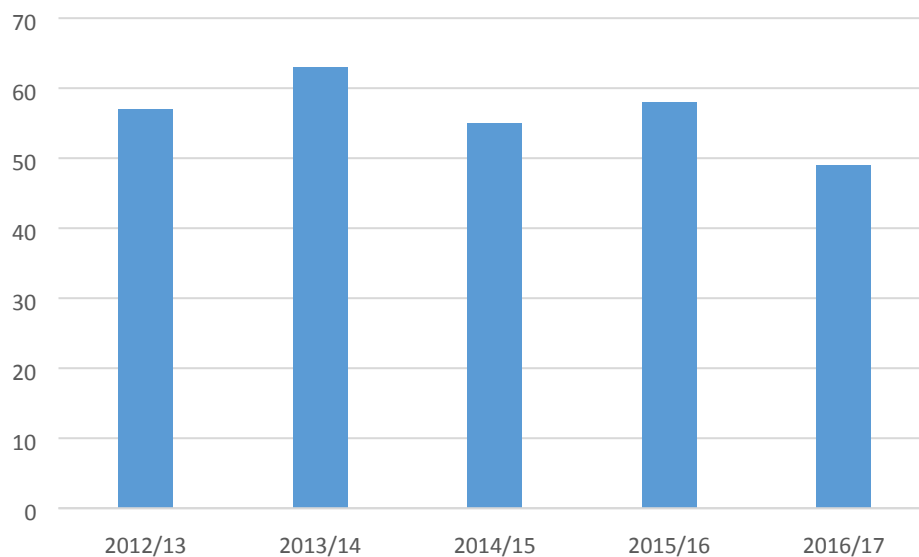
Personal licences – Requests for Duplicates

2.13 Similar to premises licences, the Service receives requests for personal licences to be reprinted. Again this is a desktop administrative process. The number received fell 41% on the previous year.



10. Personal licence duplicates

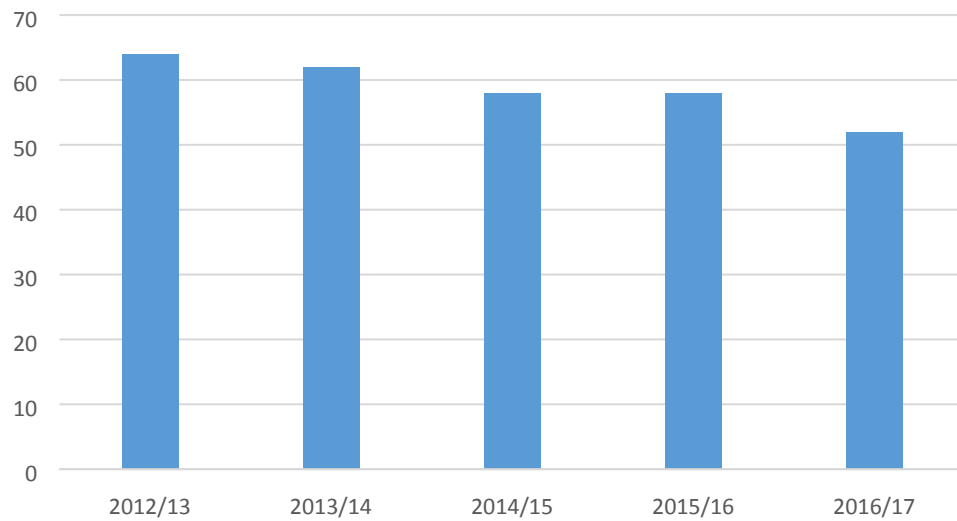
Licensing Sub-Committee



11. Licensing Sub-Committee

2.14 Licensing Sub-Committees sat on less than 50 occasions for the first time which reflects the overall drop in the number of new licences issued.

3. Gambling Act 2005

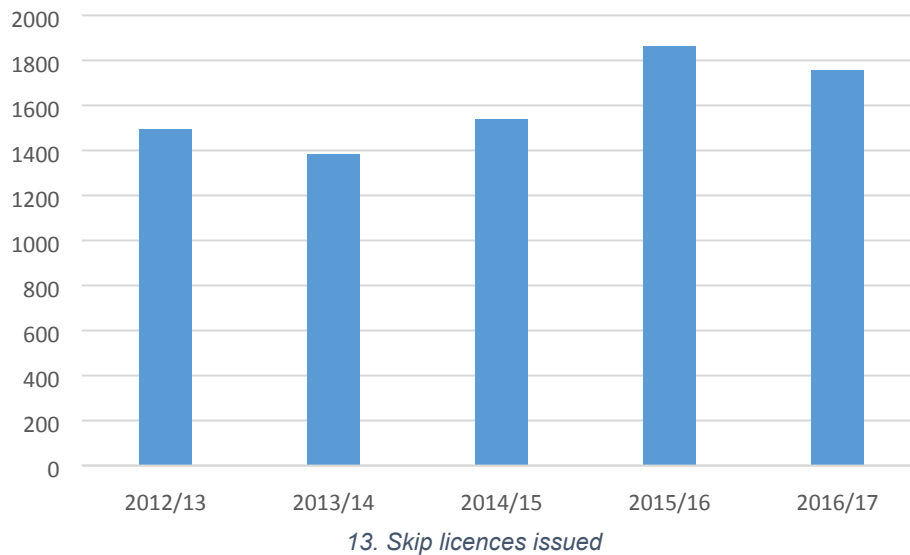


12. Betting (other than track) licences renewed.

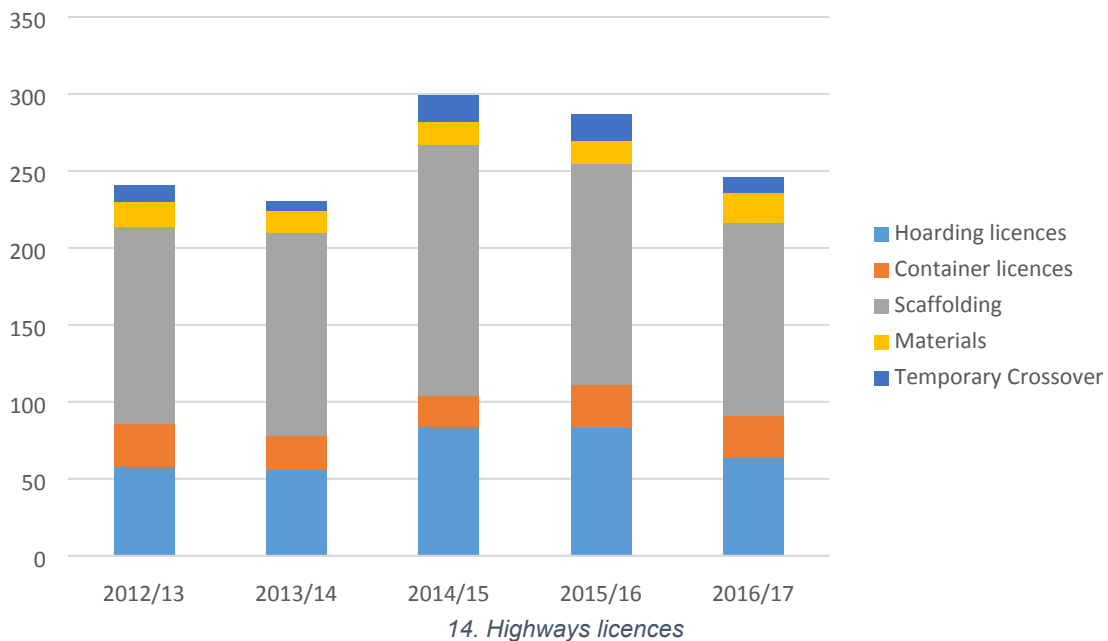
- 3.1 The number of betting licences fell further to 52, which is consistent with recent years. Also notable was a closure of one of the three remaining adult gaming centres (AGCs) in the Borough. The number remaining is now half the figure that was in place when the Council took over the responsibility of gambling licensing in 2007.

4. Highways Act 1980

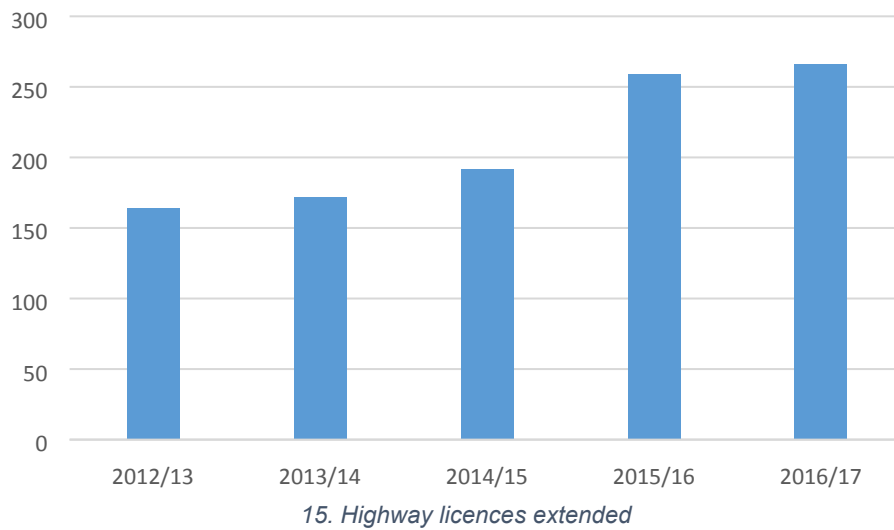
4.1 Whilst the Licensing Act 2003 tends to be the highest profile of the functions carried out by the Licensing Service, the Highways Act 1980 functions accounted for the most volume in terms of overall numbers received. It should be noted that the administration of highways functions transferred to Streetscene on 1 February 2017 as part of the Cross-Cutting Enforcement Review.



4.2 The number of skip licences issued continued on an upward trend, with 1759 were issued up to the end of January 2016, up 15% on the same period in the previous year.

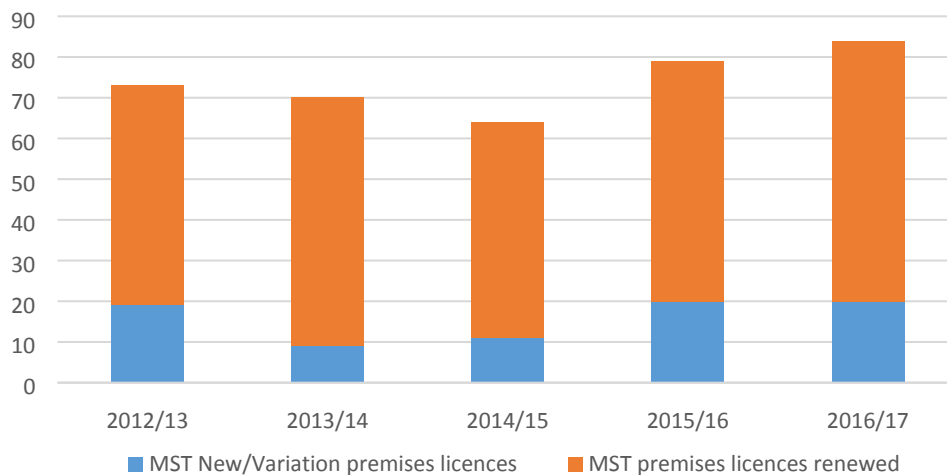


4.3 The overall number of the other types of highway licences fell on the figure processed in the previous year. Licences to erect scaffolding accounted for the largest proportion of the licence types, ahead of licences for hoarding.



4.4 The number of highways licences extended continued on an upward trajectory. There were 26% 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.

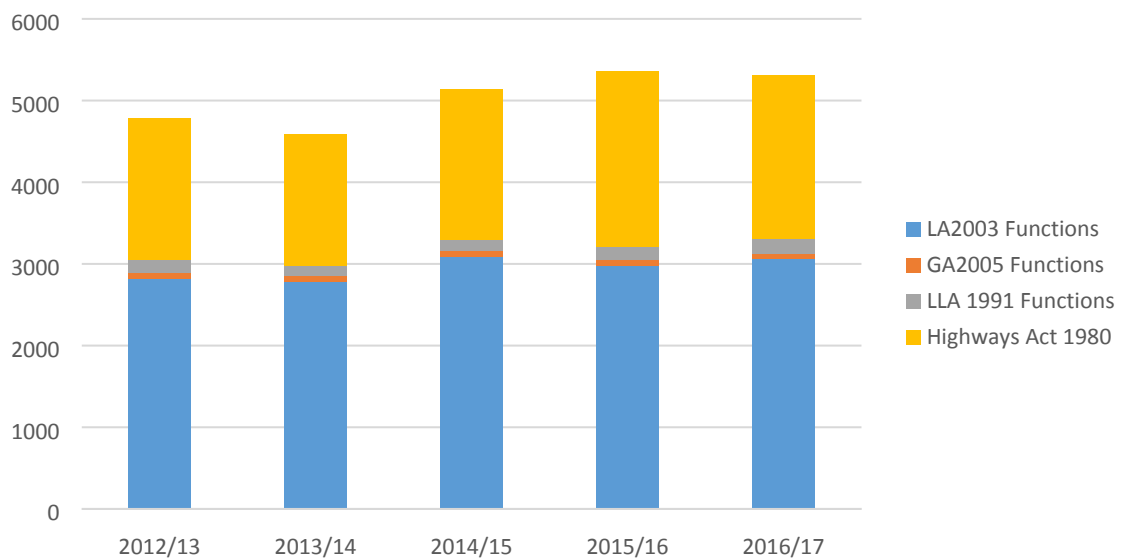
5. Massage and Special Treatments (MST) Licences



16. Massage and Special Treatment licences

- 5.1 The majority of MST premises licences comprise of applications to renew licences issued in previous years. The overall number of premises is currently 84 which is the highest net figure in the last five years.

6. Summary of key activities



17. 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 remains stable.
- 6.2 The Highways Act 1980 functions accounted for a large proportion of the demand, however this function is no longer the responsibility of the Licensing Service so will no longer be a feature of annual reports.

8. Look back / Projects

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

Objectives	What we will do	Purpose	Current Status
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>	Evidence collation completed Cost benefit and Behaviour Audit commissioned.
Consult on introduction of the 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>	Consultation commenced February 2017. Council will introduce levy from 1 November 2017.
Licensing regulation and Licensing as a Responsible Authority	Undertake a programme of risk-based inspections of premises and in respect of individuals to ensure compliance with	<p>To provide effective administration on all licensing applications.</p> <p>To minimise negative</p>	Ongoing compliance activity

Objectives	What we will do	Purpose	Current Status
	<p>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/ interventions with other services respect of betting shops including test purchasing. • 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>impact such as such as nuisance, crime/ disorder and anti-social behaviour. To minimise public safety issues arising from licensed events and premises in the Borough.</p> <p>To explore delivery of a 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 (QEOP) Licensing, Planning, Operational and safety group, HEAT (Hackney Event Action Team) process and/or other relevant Safety Advisory Groups. - Prioritise and monitoring of large 	<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>Ongoing compliance activity as well as regular liaison with QEOP Safety Advisory Group and HEAT</p>

Objectives	What we will do	Purpose	Current Status
	scale events		
Explore implementation of pre-application and fast-track licence scheme	<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>	Fees schedule developed however, scheme not yet introduced.
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>	Initial benchmarking carried out, function review ongoing. Low response rate from trade when consulted on introduction of Tattoo and Hygiene Rating Scheme

9. Planned Activity for 2017/18

Objectives	What we will do	Purpose
Publish revised Statement of Licensing Policy	<ul style="list-style-type: none"> • Consultation with key stakeholders and prepare report for Licensing Committee • Full Council decision by February 2018 • Policy effect March 2018. 	<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, diverse 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>
Introduce the Late Night Levy from 1 November.	<ul style="list-style-type: none"> • Collaborative working with MOPAC, Community Safety, other external agencies, local authorities and local businesses and communities. • Monitor collection and effectiveness 	<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>
Introduce pre-application advice scheme	<ul style="list-style-type: none"> • 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>
Review Massage and Special Treatment Functions	<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 up-to-date and aligned with other function types</p> <p>To find efficiencies and rationalise working practices.</p>

Objectives	What we will do	Purpose
Begin review of Statement of Principals under the Gambling Act 2005	<ul style="list-style-type: none"> - Review local area profile and policy requirements - Prepare for consultation with key stakeholders and prepare report for Licensing Committee - Full Council decision by October 2018 - Statement effective from January 2019. 	<p>To set out the principles applied when considering applications under the Gambling Act 2005 whilst promoting the 3 licensing objectives.</p> <p>To identify and highlight any negative impacts on vulnerable adults, children, health, wellbeing and quality of life for residents.</p>

APPENDIX

Licensing Service – Summary table

Activity	12/13	13/14	14/15	15/16	16/17	% change from previous year
New premises licences granted	107	101	116	126	90	▼29%
Variation of existing premises licence granted	43	42	39	35	47	▲34%
Minor variation premises licences issued	30	30	27	29	27	▼7%
Transfers of premises licences processed	98	86	107	126	104	▼17%
Variations of licence to specify individual as DPS processed	167	154	202	169	228	▲35%
Standard TENS	1494	1412	1531	1462	1446	▼1%
Late TENS	465	537	642	645	777	▲20%
Reviews of premises licences	15	16	2	6	3	▼50%
Premises licences – Duplicates following theft/loss	57	80	53	64	45	▼30%
Premises licences – Changes of details	13	32	18	40	31	▼23%
New personal licences issued	310	264	324	379	343	▼9%
Personal licence – duplicates following theft/loss	22	27	32	44	21	▼52%

Activity	12/13	13/14	14/15	15/16	16/17	% change from previous year
Personal licence – change of details	48	53	65	86	66	▼23%
Premises licences revoked	2	1	1	1	1	● 0%
Premises licences surrendered	8	8	16	7	12	▲71%
Licensing Sub-committee hearings	57	63	55	58	49	▼16%
Licensing appeals	2	4	7	6	2	▼67%
New Sex Establishment premises licences Issued	0	0	0	0	0	● 0%
Sex Establishment premises licences renewed	5	5	5	5	4	▼20%
Betting shop premises licences renewed	64	62	58	58	52	▼10%
Bingo premises licences	1	1	1	0	0	● 0%
Adult Gaming Centres	4	3	3	3	2	▼33%
Gambling premises licences issued	1	1	1	0	0	● 0%
Lotteries registered	6	6	7	8	4	▼50%
Notification of gaming permits issued	10	3	2	4	4	● 0%
MST New/variation premises licences	19	9	11	20	20	● 0%
MST Premises licences renewed	54	61	53	59	64	▲8%

Activity	12/13	13/14	14/15	15/16	16/17	% change from previous year
Transfer of MST premises licences	4	4	3	2	2	● 0%
MST Practitioner licences	92	51	79	91	93	▲ 2%
Skip licences (April 2016 – January 2017)	1496	1386	1538	1864	1759	N/A
Hoarding licences (April 2016 – January 2017)	58	56	84	83	64	N/A
Container licences (April 2016 – January 2017)	28	22	20	28	27	N/A
Scaffolding licences (April 2016 – January 2017)	128	132	163	144	125	N/A
Materials licences (April 2016 – January 2017)	16	14	15	15	20	N/A
Temp. crossover licences (April 2016 – January 2017)	11	6	17	17	10	N/A
Licences extended (April 2016 – January 2017)	164	172	192	259	266	N/A
Total highways licences issued	241	230	299	287	246	N/A
Deposits refunded (April 2016 – January 2017)	134	179	188	152	85	N/A
Explosives registration	15	18	15	6	8	▲ 33%

Licensing Statistics – Enforcement Activity

	12/13	13/14	14/15	15/16	16/17	% Change from previous year	Comments
Daytime inspections of Premises	583	593	691	837	281	▼ 66%	Fall on previous years' number due to enforcement staff numbers as a result of unforeseen circumstances. Priority given to reactive work and investigation of complaints.
Highways inspections	N/A	386	476	450	500	▲ 11%	Highways Act 1980 licence inspections reflects increase in number of applications and refund requests until the function transferred in January.
Night time inspections of premises	532	520	346	248	338	▲ 36%	Prioritised over daytime inspections in due to enforcement staff shortage. Night time work predominantly reactive/investigation of complaints.
Night Visits carried out	29	29	28	28	27	▼ 4%	Slight fall due to staffing levels however, individual inspection numbers rose.
Formal Actions	25	12	31	17	0	▼ 100%	Decrease mainly due to less cautions and emphasis on closure notices for serious licence infringements such as no CCTV or no DPS.
a) Prosecution	0	0	0	0	0	● 0%	Graduated enforcement is undertaken in line with the enforcement policy.
b) Caution	12	4	9	1	0	▼ 100%	No cautions given in FY 2016/17
c) Closure Notice	13	8	22	16	0	▼ 100%	No closure notices were issued in FY 2016/17.
Proactive (internal) service requests	298	282	260	289	224	▼ 22%	Service requests fell by a fifth on the previous year. These request are raised to inspect premises or view site notices or referrals from other service areas.
Reactive (Public) complaints	193	223	210	170	181	▲ 6%	Slight increase in the number of complaints received from the public.

Licensing Operational Enforcement Group (LOEG) Meetings	25	17	17	16	15	▼ 6%	Remains a useful forum for targeting action in relation to problem premises. Met on one less occasion than the previous year.
Warning / Advice letters sent out	103	19	37	71	45	▼ 37%	General advice warning letters including annual fee warnings. Down approximately a third on previous year.
Representations on Licensing Act 2003 applications	12	101	141	169	108	▼ 36%	Low staff numbers have resulted in officers prioritising representations to where application has a policy implication. Have also worked most closely with other Responsible Authorities to avoid duplication of matters raised in representations.

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

	12/13	13/14	14/15	15/16	16/17	Comments	16/17 targets
Respond to all licensing complaints within 2 working days	97%	100%	100%	100%	100%	Target achieved	95%
First Visit [7 Working Days]	94%	99%	95%	97%	97%	Target achieved	95%
First Update [20 Working Days]	100%	98%	100%	100%	99%	Target achieved	95%
Second Visit [28 Working Days]	94%	96%	90%	96%	90%	Target achieved	95%
Final Update / Resolution [40 Working Days]	100%	98%	100%	100%	97%	Target achieved	95%

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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 Review	24/09/2012	Conditions modified

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	Conditions modified
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
2016/17					
CF	N1	Police	Review	12/04/2016	Conditions modified
CG	E2	Police	Review	27/04/2016	Licence revoked
CH	E9	Police	Review	29/04/2016	Licence surrendered before hearing took place
CI	N4	Trading Standards	Review	21/07/2016	Licence suspended, conditions modified



DRAFT STATEMENT OF LICENSING POLICY	
LICENSING COMMITTEE 31 OCTOBER 2017	CLASSIFICATION Open If exempt, the reason will be listed in the main body of this report
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR KIM WRIGHT	

1. INTRODUCTION

- 1.1 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and the proposed draft Statement of Licensing Policy (“the Policy”) prior to it being published for public consultation.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee:

- (i) notes the draft Policy at Appendix 1 and agrees to it being published for consultation
- (ii) authorises the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the Draft Policy as appropriate.

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 the Policy 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 Act (the “Guidance”) provides local authorities with direction on the discharge of their functions under the Act.
- 3.4 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, 2010, 2013 and 2016. The in 2013 introduced the Special Policy Area (SPA) in Dalston.
- 3.5 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the Act. These are:
- the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - the local authority’s Director of Public Health
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.

Cumulative Impact

- 3.6 Committee members will be aware that two 'Cumulative Impact' areas apply in the Borough. These are referred to as the "Special Policy Areas" or "SPAs" in Dalston and Shoreditch.
- 3.7 The Guidance defines cumulative impact as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area". The Guidance goes on to state that "cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement."
- 3.8 The Guidance states that there should be an evidential basis for the decision to include a special policy. Information which the Council may be able to collate includes:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - Statistics on local anti-social behaviour offences;
 - Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - Environmental health complaints, particularly in relation to litter and noise;
 - Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - Residents' questionnaires;
 - Evidence from local councillors; and
 - Evidence obtained through local consultation.
 - Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
 - Changes in terminal hours of premises;
 - Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 3.9 The Cumulative Impact assessment can be found at Appendix 2.

4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 4.1 This report recommends that the Licensing Committee notes the draft Policy at Appendix 1 and the Cumulative Impact Assessment at Appendix 2.
- 4.2 Income from licensing fee payments contributes to the running costs of the service.
- 4.3 On 26 July 2017, the Council decided that the Late Night Levy would be introduced from 1 November 2017, for premises selling or supplying alcohol between the hours after midnight to 6am. The financial considerations were reported to the Council on 26th July 2017.
- 4.4 Any variations in costs and income in the Council, arising from the Licensing Policy will be managed within the available revenue budgets.

5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL

- 5.1 The Licensing Act 2003 ('the 2003 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.
- 5.2 Part of the functions requires the Council to publish a Statement of Licensing Policy. Section 5 of the 2003 Act requires the Policy to be reviewed every 5 years.
- 5.3 The 2003 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 2003 Act.
- 5.4 Even though the Council can decide its own process for the review it must still consult those groups listed within the 2003 Act before a revised version can be determined.
- 5.5 The drafting of any revised policy must be done in line with the 2003 Act and the Section 182 Government Guidance ('Statutory Guidance').
- 5.6 The proposed draft statement of licensing policy ('draft policy') at appendix 1 contains a cumulative impact policy for two separate areas in the borough. These are referred to within the draft policy as a Special Policy Area ('SPA'). The ability to have an SPA currently arises from the Statutory Guidance and should only be introduced if there is considered to be a good evidential basis. Should this be the case the Council can introduce an SPA if they are satisfied that it is appropriate to do so having regard to the crime and disorder or nuisance that is occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- 5.7 The Policing and Crime Act 2017 ('the 2017 Act'), will by regulations place Cumulative Impact Policies on a statutory footing. The 2017 Act has introduced Section 5A within the 2003 Act that, when in force, will require the Council to review any 'cumulative impact assessment' every three years from its introduction or revision. Section 5A is silent on the level of any evidence that is required but states that the Council must consult with those persons outlined in paragraph 5.4 above with the reasons for it to be introduced, kept in place or be removed.
- 5.8 Once the review process is completed following the statutory consultation the proposed draft Policy must be approved by Full Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

APPENDICES

Appendix 1 – Draft Statement of Licensing Policy for Consultation

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

Report Authors	David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk 📞 020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Philip Walcott Philip.walcott@hackney.gov.uk 📞 020 8356 2396
Comments of the Director of Legal	Butta Singh Senior Lawyer – Licensing & Corporate butta.singh@hackney.gov.uk 📞 020 8356 6295

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Draft Statement of Licensing Policy

2018 – 2023

SECTION 1 – LICENSING IN HACKNEY

Purpose and Scope

Review of the Licensing Policy

Hackney: The Place

Hackney Strategies

Partnership Working

Children

Public Health as a Responsible Authority

The Licensing Authority as a Responsible Authority

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SECTION 3 – CUMULATIVE IMPACT AND SPECIAL POLICIES

Cumulative Impact and Special Policies

SECTION 4 – OPERATIONAL ASPECTS

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Summary Reviews

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Internet and mail order sales

Sexual Entertainment

Late Night Levy

Early Morning Restrictions Orders (EMROs)

The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015

The Immigration Act 2016

Other relevant legislation

Administration, Exercise and Delegations of Functions

APPENDICES

- A Shoreditch Special Policy Area and Proposed Extension Map
- B Dalston Special Policy Area Map
- C Mandatory Conditions
- D Pool of Conditions
- E Delegation of Functions

SECTION 1 – LICENSING IN HACKNEY

1. Purpose and Scope

1.1 The purpose of this document is to set out the principles to be applied in considering applications under the Licensing Act 2003 (“the Act”).

1.2 The policy has been prepared having regard to the Guidance issued by the Home Office under Section 182 of the Act and designed to reflect local circumstances and characteristics whilst promoting the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

It should be noted that the four licensing objectives are of equal importance and therefore each of these should be considered with equal weight.

1.3 The Council is responsible for the determination of premises licences, club premises certificates, personal licences, provisional statements, review applications and temporary event notices that receive objections.

1.4 The Policy covers all premises in Hackney where any of the following take place:

- Sale or supply of alcohol
- Regulated entertainment
- The provision of late night refreshment
- Supply of alcohol in qualifying clubs.

Review of the Licensing Policy

1.5 The Act requires that the Council must review the Policy at least every 5 years. When reviewing the Policy it must be consulted upon.

1.6 The Council recognises the important role that responsible authorities, the licensing trade, local residents and other stakeholders have to play in influencing this Policy.

1.7 Under s5 of the Act, consultation on the Policy must take place with:

- The Police
- The Fire Authority
- The Director of Public Health
- Such persons as the Council considers to be representative of holders of premises licences issued by the Council
- Such persons as the Council considers to be representative of holders of club premises certificates issued by the Council
- Such persons as the Council considers to be representative of holders of personal licences issued by the Council
- Such persons as the Council considers to be representative of businesses and residents in its area.

- 1.8 The Council will give due weight to the views of those consulted, making appropriate amendments to the Policy accordingly. In determining what weight to give to particular representations, the following factors will be taken into account:
- 1.9 Who made the representation (what was their expertise or interest)
- What the motivation was for their views
 - How many other people expressed the same or similar views
 - How far representations related to matters the Council should include in its Policy.

Hackney: The Place

- 1.10 The London Borough of Hackney is an established centre for culture and leisure in London with over 1300 premises licensed under the Act in an area of just 19 square kilometres.
- 1.11 According to the Office of National Statistics 2013 mid-year estimates, Hackney's population stood at 257,379. This, as well as Hackney's relatively small geographical area makes it one of the most densely populated boroughs in London. This population set to increase further to over 298,000 by 2031.
- 1.12 The vibrant mix of entertainment and leisure activities in the Borough makes Hackney attractive to visitors and an exciting place to live, not only at night but in the daytime and early evening too. It is an example of how diverse attractions can co-exist and complement one another. This greater choice encourages people to travel into the Borough to enjoy their leisure time, generating jobs and business opportunities.

Hackney Strategies

- 1.13 The Council's vision is to achieve balanced, sustainable communities and neighbourhoods which celebrate our diversity and share in London's growing prosperity, to enable a good quality of life for all. In consultation with its partners it has developed and adopted a number of strategies, policies and plans that set out how it intends to achieve this vision.
- 1.14 In devising this Policy, regard has been given to the available datasets, findings, shared vision and plans informing Hackney's Sustainable Community Strategy (the "Strategy"), adopted by the Council and Hackney's local strategic partnership (Team Hackney) in November 2008. The Strategy sets out the vision for the Borough in 2018.
- 1.15 The Council is in the process of refreshing the Strategy to set out a new shared vision for our borough for the next decade. Over the last 10 years, the local and national context has changed so significantly, that there is a need to take a step back and re-consider the aims for regeneration in the borough and the role for local public services in the future. The key in developing a new community strategy at this point is to take account of this direction of travel in Hackney which is projecting continued fast paced population growth and ensure that a shared community vision for the borough, is in place.
- 1.16 Regard has also been given to the new borough-wide local plan, known as LP33. This will be the key strategic planning document which will establish a vision and planning policies to direct and guide development in Hackney up to 2033. The plan is

critical in ensuring that the right amount of development is built in the right place at the right time so that the future needs of the borough are met.

- 1.17 In order to deliver continued growth and regeneration in the Borough, the Council must ensure a robust planning framework is in place. At the moment we have three key documents (core strategy, development management and site allocations local plans). LP33 will combine and update these documents into a single clear document, helping to support growth and regeneration and provide clarity to our residents.
- 1.18 In devising this Policy, regard has been given to the findings of the Community Safety Strategic Assessment, which outlines priorities for reducing crime and disorder and tackling drug and alcohol misuse.
- 1.19 The Council's Alcohol Strategy, which will set out the Council's priorities for reducing alcohol related harm over the next three years, has also influenced the development of this Policy. The Alcohol Strategy draws the views of residents and partners as well as the range of local and national evidence summarised in the Council's Health and Wellbeing Profile.

Partnership Working

- 1.20 Whilst it is acknowledged that night-time economy premises contribute to the vitality and vibrancy of life in town centres by attracting visitors and investment into the Borough, the Council believes they should not unduly detract from the local residential amenity. The Council will continue to work in partnership with the Police, local residents, businesses, licensees and community and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.
- 1.21 Partners such as the Metropolitan Police, Environmental Protection, Community Safety, the London Fire Brigade, Trading Standards, Public Health and Planning Enforcement work together to address the negative impacts of the night-time economy when they arise. This joined up approach is demonstrated through regular intelligence meetings as well as multi-agency joint enforcement operations.

Children

- 1.22 In certain circumstances where children will be present at a licensed premises the Council expects responsible adults to be present to control children's access and to ensure their safety. Measures must be taken to protect children from hazards and risks such as gambling, drugs or drug taking, entertainment of an adult nature and incidents of violence or disorder as well as preventing underage sales.
- 1.23 However, the authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.
- 1.24 The Council will expect cinemas to stipulate that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. Similarly, theatre productions should be suitable for the audience present with consideration given in advance to the content and nature of the production.

- 1.25 Where an authorisation for the sale or supply of alcohol is in place, there is a requirement for the mandatory condition in relation to age verification to be attached. The Council supports the promotion of 'Challenge 25' schemes, but also recommends additional measures be put in place. For example, regular documented staff training, relevant notices to be displayed and the use of a register to record refusals of alcohol sales.
- 1.26 In recent years, incidents of child sexual exploitation (CSE) taking place in licensed premises have been of particular concern across the country. Whilst there has been no specific intelligence suggesting incidents have taken place in Hackney, the Council will work via existing partnerships, including the licensed trade, to ensure that any concerns in relation to CSE can be tackled and addressed appropriately.

Public Health as a Responsible Authority

- 1.27 Many people enjoy consuming alcohol safely and in moderation. However, the increase in harm caused by alcohol misuse is rapid and widespread, both in health terms and community safety. Nationally, alcohol-related deaths have doubled since 1992, a rate unheard of in almost all other illnesses. Among men aged between 15 and 59, alcohol is the leading risk factor for premature death. Alcohol-related harm is not confined to a minority of very heavy drinkers who experience acute problems. The greatest harm overall is suffered by the large population of regular drinkers whose exposure to alcohol has long-term consequences for their health and wellbeing.
- 1.28 The Local Alcohol Profile for Hackney shows that the Borough has significantly higher alcohol-specific hospital admissions for men than the national and London average. Evidence also demonstrates that alcohol also drives inequalities: people from more deprived groups suffer far greater harm from alcohol than people in higher socio-economic groups. The consumption of alcohol by children and young people can negatively impact on their health as well as other aspects of their lives, such as educational attainment and future employability. Alcohol is often a significant contributor to the local levels of hospital admissions, injury and domestic violence.

The Licensing Authority as a responsible authority

- 1.29 The Act enables the Licensing Authority to act as responsible authorities in its own right. These powers have been delegated to officers within the Council's Licensing Service. Officers may choose to intervene where they consider it appropriate for the promotion of the licensing objectives without having to wait for representations from other responsible authorities. For example, where an application is in a cumulative impact area and officers have concerns about additional harm, they may make a representations to that effect. Also, where an application is received in respect of a premises which has a history of complaints which mean that additional activity may undermine the licensing objectives.
- 1.30 The Licensing Service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will also be different from the officer acting as the responsible authority.

SECTION 2 – SPECIFIC POLICY CONSIDERATIONS

- 2.1 The Policy does not prevent an applicant's right to apply under the Act for a variety of permissions; nor does it override the right of any person to make representations on an application, or seek a review of a licence or certificate.
- 2.2 The Council cannot reject an application for a licence or certificate, or impose conditions, unless relevant representations have been made. This also applies to premises in a Special Policy Area.
- 2.3 The measures to be taken should be proportionate to the level of risk; for example, a busy town centre nightclub will be expected to take far more precautions than a small local restaurant.
- 2.4 Where insufficient detail is provided in the application to satisfy responsible authorities and other persons, this is likely to lead to representations being made.
- 2.5 The Act requires certain mandatory conditions to be attached to licences. The mandatory conditions override any pre-existing conditions and do not have to be specifically included on licences authorising the sale of alcohol for consumption on the premises. These are appended to this document.
- 2.6 The Council must be satisfied that it is appropriate to attach conditions, other than those volunteered under the operating schedule or by mandatory conditions where its discretion has been triggered by a representation.
- 2.7 The Council will not implement standard conditions and will as far as possible avoid the attachment of conditions that duplicate other regulatory regimes.
- 2.8 Where appropriate, the Council will attach individual and tailored conditions on an authorisation that are reasonable, proportionate, and yet not over-burdensome. These must be robust enough to promote the licensing objectives and will be related only to those matters under the direct control of the licence holder.
- 2.9 Applicants, responsible authorities and the Licensing Authority when preparing or considering applications should refer to the Pool of Conditions which is appended to this document. This will assist in demonstrating or establishing that the operation of any authorisation will not undermine the licensing objectives.

General Principles

- 2.10 The general principles will normally be applied in each case where the Council is considering an application for a premises licence, club premises certificate, variations to those or a provisional statement.
- 2.11 The Council will, where possible, seek to encourage a range of diverse activities within the evening and night time economy. Applications for activities where alcohol consumption is not the primary feature will generally be welcomed so as to broaden the appeal to a wider range of consumers.
- 2.12 Applicants should note that operating schedules that are lacking in detail are more likely to be refused, have hours restricted, or have conditions attached to them by the Licensing Authority or by Responsible Authorities.

LP1 General Principles

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

Licensing Objectives

- 2.13 Each of the licensing objectives are of equal importance and therefore each needs to be considered with equal weight.
- 2.14 The Council expects applicants to risk assess their proposals and put forward measures aimed at promoting the licensing objectives.

LP2 Licensing Objectives

Prevention of Crime and Disorder

Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

Public Safety

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

Prevention of Public Nuisance

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

Protection of Children form Harm

Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

Core Licensing Hours

- 2.15 The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the application any relevant representations received as well as the requirement to promote the licensing objectives.
- 2.16 However the Council is also mindful that the Borough is amongst the most densely populated in London with large numbers of residential premises often close to areas of commercial activity as well as other mixed-use neighbourhoods. The Council will therefore take an approach to licensing hours that seeks to balance the needs of the licensed trade whilst protecting residential amenity in order to promote the licensing objectives.
- 2.17 The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by other legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours our also based on the Council's own experience since the commencement of the Act as activities during these time are generally considered to be acceptable.
- 2.18 However, it should be noted that some activity and any associated hours may be deemed inappropriate in certain circumstances and in certain areas of the borough as nuisance to residents is more likely to occur at night and in the early hours of the morning.

LP3 Core Hours

Hours for licensable activity will generally be authorised as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

Alcohol sales for consumption off the premises

- 2.19 Evidence from the Police and Public Health suggests that the availability of alcohol from premises authorised to sell alcohol for consumption off the premises has had a negative impact on the promotion of the licensing objectives.
- 2.20 There are particular concerns that alcohol sales of this nature are more likely to lead to incidents of anti-social behaviour, such as street drinking and pre-loading.

LP4 'Off' Sales

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

Planning Status

- 2.21 The Council recognises that the licensing process should not be seen as a re-run of any planning process and that there should be separation between the planning and licensing regimes to avoid duplication and inefficiency.
- 2.22 Applicants for a premises licence need to be aware that the granting of a licence under the Act does not negate the need to obtain planning permission. Premises operating in breach of planning permission may be liable to prosecution or other enforcement measures under planning law. Applicants are therefore recommended to obtain the correct planning use for the type of premises they seek to operate.
- 2.23 There will be circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises. Where these hours differ from the hours authorised under Licensing, the operator will need to abide by the earlier closing time.

LP5 Planning Status

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

External Areas and Outdoor Events

- 2.24 The Council is aware of the popularity of external areas and outdoor events. These include beer gardens, terraces, rooftops, street parties, events in car parks and industrial yards pop-ups or activity on private land awaiting development. These activities can further add to Hackney's rich cultural heritage, diversity and help bring communities together.
- 2.25 Hackney Council already holds premises licences which authorise regulated entertainment in several of its parks and open spaces. These licences have been granted with control measures attached, including limited hours of activity, restricted numbers of events annually and other steps appropriate for the promotion of the licensing objectives. These are further supported by the work of the Hackney Events

Action Team (HEAT) where the events take place on Hackney owned or operated land.

- 2.26 However, by their very nature, outdoor activity can often be the source of nuisance as a result of noise and disturbance. The Licensing Authority will expect applicants and/or premises users to have assessed the impact that any proposed external areas or outdoor activity may have on any of the licensing objectives and identify the measures they will put in place to mitigate this impact.

LP6 External Areas and Outdoor Events

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further.

Minor Variations

- 2.27 The minor variations process allows applicants to benefit from a simplified variation process. An application for a minor variation requires a white coloured site notice to be displayed on the premises and there is also no requirement to consult with responsible authorities.
- 2.28 For an application to be considered under this simplified process, the Council must be of the opinion that the variation(s) does not adversely impact on the licensing objectives.

LP7 Minor Variations

The Council expects applications to be made in the following circumstances only

- Small changes in the layout/structure of the premises
-
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity.

Temporary event notices (TENs)

- 2.29 Temporary events notices are a light-touch method by which licensable activities can be authorised to take place without the need for a premises licence or club premises certificate. Advance notice must be given to the Metropolitan Police, Environmental Protection and the Licensing Authority.
- 2.30 The Police and Environmental Protection are the only parties that can object to a TEN. Whilst both parties are able to object on the grounds of any of the licensing objectives, the Police will tend to focus on matters in relation to crime and disorder. The Environmental Protection service will be minded to object where there is a risk to the prevention of public nuisance objective.

- 2.31 The role of the Licensing Authority is to ensure that the statutory limits for the giving of TENs in a calendar year by an individual and the restriction of the number of TENs in respect of a particular premises are not exceeded. The Police and Council remain the enforcement authorities and may monitor any event. Details on the numbers of TENs that can be given in respect of premises, individuals and calendar years can be found on the Council's website.
- 2.32 The Licensing Authority expects premises users to provide advance notice of events at least four weeks prior to the start date of the activity.

LP8 Temporary Event Notices

When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user
- Consider any other control measures proposed to mitigate the objection

Personal licences

- 2.33 The supply of alcohol under a premises licence must be made by, or authorised by, a person who holds a personal licence. The Act requires any sale made when the personal licence holder is not present to have been authorised by a personal licence holder.
- 2.34 Where an applicant has been convicted of a relevant offence, foreign offence, immigration offence or has been required to pay an immigration penalty, the Police will be provided with a copy of the application. If the Police object to the grant of the licence, the matter will be referred to a Licensing Sub-Committee for determination.

LP9 Personal Licences

- (a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:
- (i) Seriousness and relevance of any conviction(s)
 - (ii) The period that has elapsed since committing the offence(s)
 - (iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

SECTION 3 – Cumulative Impact and Special Policies

- 3.1 The Council recognises that in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from the licensed premises. Guidance under the Act sets out that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may as a consequence adopt special local saturation policies. There should always be an evidential basis for a decision to include a special policy within the statement of licensing policy.
- 3.2 In summary, the steps to be followed in considering whether to adopt a special policy within the borough are:
- Identification of concern about crime and disorder or public nuisance or protection of children from harm
 - Consideration of whether there is good evidence that crime and disorder or nuisance are occurring; or whether there are activities which pose a threat to public safety or the protection of children from harm
 - If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
 - Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise
 - Consultation with those individuals or groups specified within section 5(3) of the Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement
- 3.3 The effect of adopting a special policy, which the Council refers to as a Special Policy Area ('SPA'), is to create a rebuttable presumption so that applications for new premises licences and club premises certificates or variations of these authorisations, which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations being made. The applicant will need to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives in order to rebut any such presumption.
- 3.4 Applicants are advised to give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives as well as showing how they will mitigate any potential negative harms in their application. Applicants are also reminded that less weight is likely to be attached to any arguments relating to there being no complaints from existing premises when seeking a variation or renewal of an authorisation within a SPA. This is because, given the nature of the area and concentration of licensed premises, it can be difficult to attribute complaints and problems to any particular premises, especially with regards to nuisance being caused in outside areas.
- 3.5 This presumption does not relieve responsible authorities or other persons of the need to make a relevant representation. This can be done by simply referring to the information which had been before the licensing authority when it developed its Policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

- 3.6 It should be noted that special policies are not absolute. The individual circumstances of each application will be considered on its merits. The Council will grant applications where the applicant has demonstrated that the operation of the premises is unlikely to add to the cumulative impact that is already being experienced in the area.
- 3.7 The Council will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Therefore, the Council will not seek to impose quotas of premises, licences or certificates.
- 3.8 Analysis of the hospitality economy in the Borough has been undertaken which shows an increase in the number of premises in the wider Shoreditch area in particular. There are also real concerns about the impact on the physical environment, the safety of visitors and residents, and the environmental disturbance to residents arising from increased activity in both the Shoreditch SPA area and the wider Shoreditch area.
- 3.9 The Special Policy is applied to the Dalston area with the aim of continue to manage the growth of premises persons in the area, particularly those that are alcohol lead. Therefore, any application will need to demonstrate that it will not add to the issues of cumulative impact in the Dalston area, especially if the proposal seeks to operate beyond the hours set out in the core hours.

LP10 Special Policy Areas – Dalston and Shoreditch

It is the Council’s policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, there is a rebuttable presumption to refuse the application unless the applicant can demonstrate that the proposed activity will not add to the cumulative impact. This policy is to be strictly applied.

Cumulative Impact – General

- 3.10 The Council also notes the advice in the Guidance that the absence of a special policy does not prevent representations being made in relation to negative cumulative impact on one or more of the licensing objectives. However, if a representation is to be made with regards to negative cumulative impact, the Council expects suitable and relevant evidence (statistical or otherwise) to be provided to demonstrate the licensing objectives are already being undermined due to negative cumulative impact.

LP11 Cumulative Impact – General

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.

SECTION 4 – OPERATIONAL ASPECTS

The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015

- 4.1 The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 deregulated some of the licensable activities under the Licensing Act 2003 in addition to the deregulation created by the Live Music Act 2012. Some of the activities which may no longer require authorisation are:
- exhibitions of films where they are incidental to another activity which is exempt from licensing
 - 'not-for-profit' film exhibitions between 08:00 and 23:00 on any day held in community premises provided that the audience size is no more than 500 and the organiser gets consent from the person who is responsible for the premises and ensures that age classification ratings are complied with
 - a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on the premises provided that the audience size is no more than 500
 - a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day in a church hall, community hall, or other similar community premises, that is not licensed to sell alcohol, provided that the audience size is no more than 500 and the organiser gets consent from the person responsible for the premises
 - a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day at the non-residential premises of a local authority, a school or a hospital provided that the audience size is no more than 500 and the organiser gets consent from the local authority or the school or the health care provider for the hospital.

The Immigration Act 2016

- 4.2 The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.
- 4.3 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 4.4 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end

Other relevant legislation

- 4.5 Applicants should note other legislation that is likely to be relevant to their proposal.
- The Health and Safety at Work Act 1974
 - The Town and Country Planning Act 1990
 - The Environmental Protection Act 1990
 - London Local Authorities Act 1990 (as amended by 2004 Act)
 - The Clean Neighbourhoods and Environment Act 2005
 - The Health Act 2006
 - The Violent Crime Reduction Act 2006

- Policing and Crime Act 2009
- EU Services Directive and the subsequent Provision of Services Regulations 2009
- Food Safety Act 1990
- The Human Rights Act 1998 incorporating the European Convention on Human Rights (ECHR)
- Regulatory Reform (Fire Safety) Order 2005
- The Gambling Act 2005
- The Equality Act 2010
- The Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012
- The Anti-Social Behaviour Crime and Policing Act 2014
- The Deregulation Act 2015
- The Immigration Act 2016

Late Night Levy

- 4.6 The Late Night Levy (“the levy”) is a discretionary power enabling licensing authorities to charge an additional fee to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any net revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the ‘net’ levy paid to the Police.
- 4.7 The legislative provisions relating to the levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31 October 2012.
- 4.8 Hackney Council consulted on the introduction of the levy in February 2017 and on 26 July 2017, the Council decided that the levy would be introduced from 1 November 2017 for premises authorised to sell or supply alcohol between the hours of 00:01 and 06:00 on one or more days of the year.

Sexual Entertainment

- 4.9 On 21 July 2010 the Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This applies to the area of the London Borough of Hackney and came into force on 15 September 2010.
- 4.10 Any person wishing to operate a sex establishment (sex shop, sexual entertainment venue or sex cinema) will require a sex establishment licence.
- 4.11 The Council has previously determined that the number of sexual establishments in Hackney should be nil in each ward, meaning that no licences will be issued. An exception was provided for “established operators” who operator a long-standing, well-run sex establishment which has not generated significant levels of concern among the community or statutory authorities.
- 4.12 Please refer to the Council’s separate policy in regards to Sex Establishments which is available from the Licensing Service.

Enforcement

- 4.13 The Council is an enforcement authority for the purpose of exercising many of its statutory and regulatory functions. Hackney aims to offer enforcement services that are immediate, intelligent, informative and, when all else fails, robust.
- 4.14 The Council has developed an Enforcement Policy across all environmental enforcement functions, including licensing. It seeks to provide a corporate regulatory framework that identifies the key principles and factors for enforcement action. It develops partnership working both within the Council and with external agencies.

Reviews of licences and certificates

- 4.15 Responsible authorities and other persons can apply to the Council to review a premises licence where problems are arising at the premises in relation to any of the licensing objectives.
- 4.16 A review can be applied for at any stage following the grant of a premises licence or club premises certificate. In every case, an evidential basis for the allegations made will need to be submitted to the Council. However, in the first instance, the Council is required to consider whether the representation made is irrelevant to the licensing objectives, or is frivolous, vexatious or repetitious. The Guidance recommends that more than one review on similar grounds originating from other persons should not be permitted within a twelve month period, except in exceptional or compelling circumstances, or where it arises following a closure order.
- 4.17 In addition, a review will normally follow;
- a) Any action by the Police to close down the premises for up to 24 hours on grounds of disorder, or noise nuisance, and
 - b) Any formal enforcement action by the Council, or
 - c) Any action taken by the Immigration authority.
- 4.18 The Licensing Authority can exercise a range of powers when dealing with a review (see guidance notes). In cases where the crime prevention objective is being seriously undermined it is expected that revocation of the premises licence, even in the first instance, will be seriously considered.

Summary Reviews

- 4.19 Where a licensed premises is considered to be associated with serious crime or serious disorder or both, the Police can apply for a summary, or expedited, review of the premises licence. Within 48 hours of receipt of that application the Council must consider whether it is appropriate to take interim steps pending the determination of a review of the premises licence. Within 28 days after the day of its receipt, a full review hearing must be held.
- 4.20 Interim steps can include:
- the modification of the conditions of the premises licence,
 - the exclusion of the sale of alcohol by retail from the scope of the licence,
 - the removal of the designated premises supervisor from the licence; and/or
 - the suspension of the licence.

- 4.21 If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the Council, it must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

Wholesale of alcohol

- 4.22 The sale of alcohol in wholesale quantities to the public is a licensable activity under the Act. A premises licence and a designated premises supervisor who holds a personal licence are required for such transactions to take place lawfully.

Internet and mail order sales

- 4.23 A premises licence will be required for a warehouse or storage facility for alcohol. However the call centre where the order was placed would not require authorisation. The Council expects that the application will include procedures for ensuring that sales of alcohol are not made by or delivered to persons under 18 years of age.

Early Morning Restrictions Orders

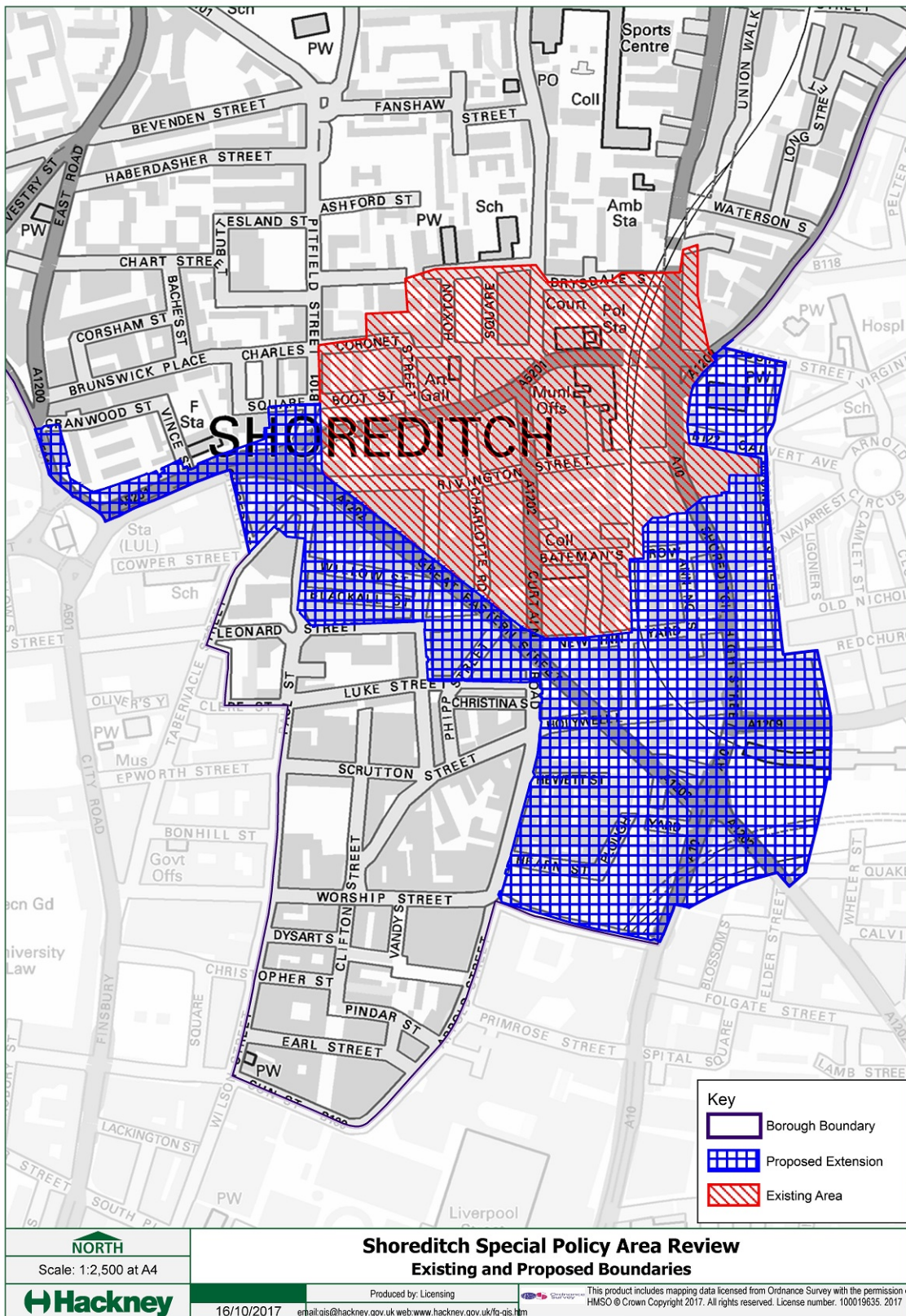
- 4.24 Early Morning Restrictions Orders (“EMROs”) are a discretionary power enabling licensing authorities to restrict sales of alcohol with the aim of tackling high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The EMRO may be applied to the whole or part of the licensing authority area and, if relevant, on specific days and at specific times. A statutory process must be undertaken before it is introduced and the licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

Administration, Exercise and Delegations of Functions

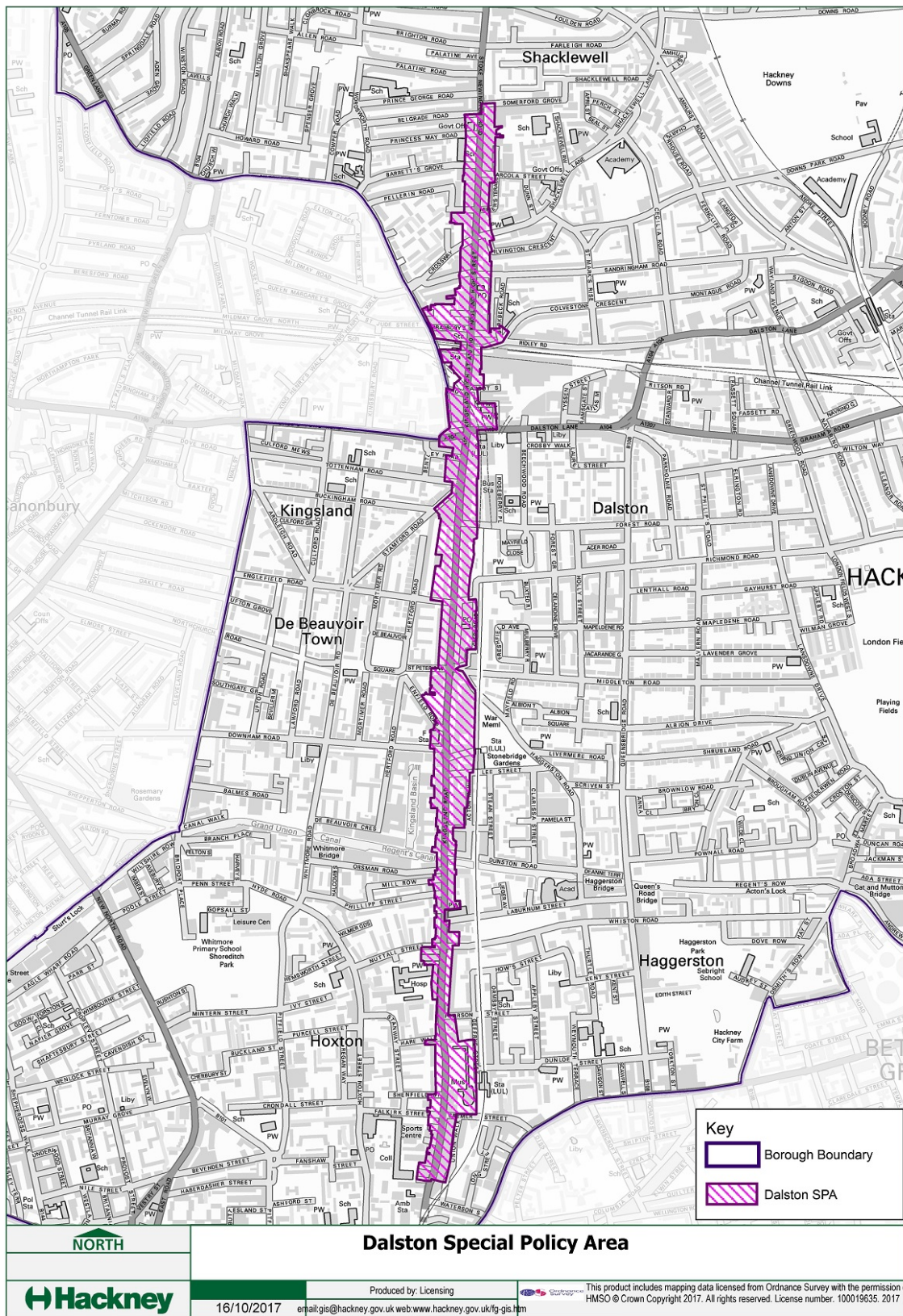
- 4.25 One of the major principles underlying the Act is that the licensing functions should be delegated to an appropriate level so as to ensure efficient determination of applications. The Council has arranged for its licensing functions to be discharged in accordance with the Act and the Guidance. Where a function is delegated to an officer they will be responsible for determining the matter without the need for it to go before a Licensing Sub-Committee.
- 4.26 Where a matter is referred to the Licensing Sub-Committee, it will determine each case on its individual merits whilst taking into consideration the Act, the Guidance, the Policy and any evidence presented by the parties concerned in support of their cases.
- 4.27 The Council’s Scheme of Delegation of functions under the Act has been appended to this document.

APPENDICES

Appendix A: Shoreditch Special Policy Area and Proposed Extension



Appendix B: Dalston Special Policy Area



Appendix C: Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years if age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- A. a holographic mark or
- B. an ultraviolet feature.

5. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

6. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
7.2 For the purposes of the condition set out in paragraph 7.1 above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed –

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) In respect of premises in relation to –

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3) (d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section -

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Club Premises Certificates

Certificate authorising supply of alcohol for consumption off the premises

- (1) A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.
- (2) A club premises certificate that authorises the supply of alcohol for consumption off the premises must include the following conditions.
 - (i) The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
 - (ii) The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
 - (iii) The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Mandatory condition: exhibition of films

- (1) Where a club premises certificate authorises the exhibition of films the certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where -
 - (a) the film classification body is not specified in the certificate, or
 - (b) the relevant licensing authority has notified the club which holds the certificate that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section -
"children" means persons aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Appendix D:

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.

This is not an exclusive or exhaustive list. 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 that it considers appropriate for the promotion of the licensing objectives.

Alcohol

		CD	PS	PN	PC
A1	No beer, lagers or ciders exceeding 6.5% alcohol by volume (ABV) shall be sold or supplied at the premises.	—			
A2	No single cans or bottles of beer, lager or cider shall be sold or supplied at the premises.	—			
A3	No “miniature” bottles of spirits of 50ml or less shall be sold or supplied at the premises.	—			
A4	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.	—			
A5	Consumption of alcohol in the bar area is restricted to customers waiting to be escorted to a table.	—			
A6	Numbers of patrons in the bar area (not awaiting tables) shall not exceed <i>[Insert]</i> persons.	—			
A7	Any alcohol sold or supplied [for consumption off the premises] must be in a sealed container.	—		—	
A8	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
B1	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed <i>[number]</i> , subject to the following maximum occupancies: For example: <i>[First Floor]</i> <i>[number]</i> persons <i>[Ground Floor]</i> <i>[number]</i> persons <i>[Basement]</i> <i>[number]</i> persons		—		
B2	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed <i>[number]</i>		—		

B3	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.	—		—	
B4	The edges of the treads of steps and stairways shall be maintained so as to be clearly visible.		—		
B5	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.		—		
B6	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.		—		
B7	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.		—		
B8	All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.		—		
B9	All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.		—		
B10	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
C1	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.	—	—	—	
C2	No less than one member of staff who is able to operate the CCTV system shall be on the premises at all times.	—	—		

C3	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff.	—		—	
C4	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.	—	—	—	—

Controlled Substances

		CD	PS	PN	PC
D1	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.	—	—		
D2	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.	—	—		
D3	A secured, lockable drug box must be installed at the venue. Police attendance must be requested for removal of the contents.	—			
D4	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
G1	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.	—		—	—
G2	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.				
G3	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.	—	—		
G4	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.	—		—	
G5	Plastic and/or toughened glass vessels shall be used for the consumption of drinks, intoxicating and non-intoxicating, at [insert times/all times].	—	—	—	—
G6	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.	—	—		
G7	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.)			—	
G8	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.	—	—		—
G9	Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.		—		
G10	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.		—		
G11	Seating for no less than [number] persons shall be provided in the premises at all times the premises are in operation.	—			
G12	Seating for no less than (insert) % of the maximum occupancy shall be provided in the premises at all times the premises are in operation.	—			
G13	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.	—	—	—	
G14	Measures to be implemented to prevent theft. These measures may include, but are not limited to: Bag clips/hooks Property patrols Notices advising patrons that thieves operate in the area.	—			
G15	Substantial food shall be available at all times.	—			

Hotels and Guest Houses

		CD	PS	PN	PC
H1	The sale of alcohol between [xx:xx] and [xx:xx] is restricted to hotel residents and their bona fide guests (limited to XX guests per resident).	—		—	
H2	The sale and consumption of alcohol between [xx:xx] and [xx:xx] is restricted to hotel residents by way of room charge.	—		—	
H3	Between [xx:xx] and [xx:xx], access to the premises is restricted to hotel residents only.	—		—	

Noise and Odour Management

		CD	PS	PN	PC
N1	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.			—	
N2	Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.			—	
N3	All external doors and windows shall be kept closed, other than for access and egress, when regulated entertainment is taking place.			—	
N4	Background music shall not exceed a level that allows face to face conversation at normal speech level.			—	
N5	A detailed acoustic report should be carried out by a competent person and should be submitted to the Licensing Service [within timeframe]. Recommendations in the report should be approved by the Pollution Control Team and completed prior to any regulated entertainment taking place.			—	
N6	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.			—	
N7	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).			—	
N8	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.			—	
N9	The noise level from the premises whilst being used for regulated entertainment shall not exceed [insert limit] measured at any point(s) [insert location].			—	
N10	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)				
N11	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.			—	
N12	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.			—	
N13	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.			—	
N14	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.			—	
N15	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.			—	
N16	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.				
N17	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
O1	Patrons shall not be permitted to take glass off the premises/into external areas of the premises.	—	—	—	
O2	No more than [insert number] of patrons will be permitted in the designated smoking area at [any time/after insert time]	—		—	
O3	Use of outdoor area (shown on the plan) shall cease at [time].			—	
O4	The designated smoking area shown on the plan, shall be de-lineated by a physical border.			—	

Preventing Underage Sales

		CD	PS	PN	PC
P1	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.	—		—	—
P2	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.	—			—
P3	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.	—			—
P4	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.	—			—
P5	Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.	—			—

P6	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.	—			—
P7	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.	—			—
P8	Children under the age of ** years shall not be allowed on the premises after **:** hours unless accompanied by an adult.				—
P9	Children under the age of ** years shall not be allowed on the premises.				—

SIA and Security

		CD	PS	PN	PC
S1	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].	—	—		
S2	A minimum of (X) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	—			
S3	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.	—			
S4	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.				
S5	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.	—	—		
S6	Every new patron entering the venue will be searched upon entry after [time].	—			
S7	Door supervisors shall be employed at a ratio of xx patrons. At least one member of the door staff shall be female.	—			
S8	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.	—			
S9	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
W1	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.	—		—	
W2	Waste collections shall be restricted to [time] and [time] and on xx days of the week/weekend.			—	
W3	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].			—	
W4	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:- <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 			—	
W5	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.			—	
W6	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.				
W7	Where premises are situated in an area where time banded waste collections apply, waste must be kept within the premises until such time as its waste carrier arrives to collect the refuse.			—	
W8	Signage to be erected asking customers to refrain from littering the public highway outside the premises.			—	

Appendix E: Delegation of functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision to withdraw club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Determination of an objection to a standard temporary event notice	All cases	
Determination of an objection to a late temporary event notice		All cases
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

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