



# Statement of Licensing Policy

This Policy should be read in conjunction with:

**The Licensing Act 2003**

Available from [www.legislation.gov.uk/2003](http://www.legislation.gov.uk/2003)

**Government Guidance under Section 182 of the Licensing Act 2003**

A Home Office document available from HMSO. Information also available via [www.gov.uk](http://www.gov.uk)

**Hackney Council's guidance documents on making applications under the Licensing Act 2003**

Available from Hackney Council's Licensing Service on request and our website: [www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing) or by calling 020 8356 2431.

# **LONDON BOROUGH OF HACKNEY**

## **Statement of Licensing Policy**

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## **Foreword by Councillor Emma Plouviez, the Chair of Licensing Committee**

This version of the Policy is the same as the version adopted in 2011 and amended in 2014, which is to remain in place until any further consultation is carried out that may result in this Policy being revised.

Hackney is known for its vitality, creativity and its lively and diverse night life. As we look beyond 2015, even more people want to live, work and visit our Borough attracted by its culture and its people. We have acclaimed art galleries, independent cinemas, renowned theatres and many good restaurants as well as a highly successful late night economy of clubs, bars and music venues all providing jobs and adding to the economic growth, sustainability and the well-being of our Borough.

The Statement of Licensing Policy sets out how the Council and its statutory partners will consider applications for licensed premises in Hackney. We will use it to monitor and manage licensed activity whilst this policy remains in force. Hackney Council wants our visitors and residents alike to enjoy what is on offer in a safe and clean environment and to balance this with the needs of residents. It has worked with the licensed trade and our statutory partners, such as the Police, to create and enhance this atmosphere in the Borough. As part of this review of the Policy we have seen that, whilst crime has seen significant reductions generally across the Borough, there are concerns associated with specific areas of our night-time economy. In recognising the importance of promoting a safe, socially responsible, dynamic and inclusive licensing offer whilst also safeguarding the ability of our communities to live and work in quiet enjoyment of their surroundings, the Council is proposing to retain the Shoreditch and Dalston Special Policy areas.

The best licensees, restaurateurs and hoteliers have already helped to boost Hackney's reputation. This Policy aims to help them and the other sectors of the licensed trade continue their work and balance the needs of visitors and residents alike by making Hackney an even better place in which to live and have fun at the heart of a great world city.

# Licensing in Hackney

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## Definitions

The following terms are frequently used throughout this document:

1. “the Act” refers to the Licensing Act 2003
2. “the Council” refers to the local authority for the London Borough of Hackney which also became the Licensing Authority under the Licensing Act 2003
3. “the Guidance” refers to the guidance issued under Section 182 of the Act by the Secretary of State
4. “the Policy” refers to this draft revised Statement of Licensing Policy
5. the “SPA” refers to a Special Policy Area
6. “Responsible Authorities” include:
  - The Chief Officer of Police
  - The Fire Authority
  - The enforcing authority for section 18 of the Health and Safety at Work etc Act 1974
  - The local Planning Authority
  - The Environmental Health services of the licensing authority
  - The Licensing Authority
  - Children and Young Peoples’ Services, as the authority competent to act as the responsible authority in relation to the protection of children from harm
  - The Director of Public Health
7. “Other Persons” are the bodies or individuals who are entitled to make representation to licensing authorities on applications for the grant, variation, or review of premises licences.

Please see the glossary for other definitions.

## **1. The Licensing Act 2003**

1.1 Hackney, like all licensing authorities is required to publish a statement of licensing policy. The law prescribes that all policies must **promote** the licensing objectives:

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

1.2 The policy requirements as set out in this document from LP1 – LP15 are designed to ensure the promotion of these objectives in light of local circumstances.

1.3 The Policy has regard to the Guidance and promotes best practice in dealing with the regulation of licensed activities.

## **2. The Council Review of the Policy**

2.1 This Policy came into effect in January 2016 after being approved by the Council on 25 November 2015.

2.2 The Policy will not undermine 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.

## **3. Consultation on the Policy**

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

3.2 Under the Act, consultation on the Policy will 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.



3.3 The Council gave 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:

- 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.

3.4 A report into the consultation, a list of comments made and the considerations by the Council will be available via the Council website at [www.hackney.gov.uk](http://www.hackney.gov.uk).

#### **4. What is covered by the Policy?**

4.1 The Policy covers all premises in Hackney where any of the following takes place:

- Sale or supply of alcohol
- Any regulated entertainment
- Provision of late night refreshment
- Supply of alcohol in qualifying clubs.

4.2 The Council is responsible for the determination of premises licences, club premises certificates, personal licences and temporary event notices.

#### **5. Hackney's licensing profile**

5.1 The London Borough of Hackney is one of the main centres for culture and leisure in London. Of over 1100 licensed premises in Hackney, many of these premises are licensed for regulated entertainment.

5.2 Some of Hackney's parks and open spaces have been licensed as a way of encouraging music, dance and similar cultural activity. Hackney's Green Spaces Service holds licences for Clissold, Haggerston, Shoreditch, Hackney Downs and Springfield parks and London Fields.

5.3 This 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.

## 6. Hackney strategies

- 6.1 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.

Through partnership working, the Council will seek to secure the proper integration of its Policy with local crime and disorder prevention, planning and regeneration, transport, visitor, race equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. In seeking to realise this vision, the Council will look to deliver on the Borough's Mayoral priorities for the next four years, which include specific reference to licensing.

- 6.2 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:

- An aspirational, working borough, a vibrant part of this world city, renowned for its innovative and creative economy; a place that values the diversity of its neighbourhoods, and makes the most of their links across the globe to enrich the economic and social life of everyone who lives in the Borough
- A borough with greater opportunity and prosperity for everyone, whatever their background, and narrowing economic environmental and health inequality. We will have secured the benefits arising from hosting the 2012 Olympic and Paralympic Games
- A green, cosmopolitan part of London with safe, strong and cohesive communities, and a shared sense of fairness, citizenship and social responsibility.

- 6.3 Hackney Council and its partners have identified two fundamental dynamics that will shape the Borough over the coming decade – population growth and cohesion. The Strategy has six priorities set for the achievement of the vision:

1. Reduce poverty by supporting residents into sustainable employment, and promoting employment opportunities
2. Help residents to become better qualified and raise educational aspirations
3. Promote health and well being for all, and support independent living
4. Make the Borough safer, and help people to feel safe in Hackney

5. Promote mixed communities in well-designed neighbourhoods, where people can access high quality, affordable housing
  6. Be a sustainable community, where all citizens take pride in and take care of Hackney and its environment for future generations.
- 6.4 Regard has also been given to the Borough's Local Development Framework Core Strategy ("Core Strategy") which sets the strategic direction for delivering the spatial elements of the Strategy. Its vision is that by 2026 Hackney has exploited its great strengths as a prime location in London and one of the most diverse communities in the country. Alongside supporting the objectives of the Strategy it sets out how the expected population and economic growth will lead to identified key areas across the Borough changing in different ways.
- 6.5 The Core Strategy recognises that there is scope for managed growth of the evening and night-time economy in Hackney's town centres and part of the Shoreditch area. The Council is keen to build upon the successes of creative and cultural activities and encourage a range of these diverse complementary uses in order to provide more non-alcohol based activities that will appeal and benefit a wide range of the community. These should be situated in appropriate and accessible locations such as designated town centres with good public transport links provided it does not result in over-saturation; it is well managed and operated effectively in terms of minimising noise and other environmental nuisance to nearby residents; it adds positively to the mix of uses and contributes to the broader regeneration strategy for the area.
- 6.6 Core strategy 15 states the managed expansion of Hackney's diverse evening and night-time economy will be encouraged in Hackney Central (district centre), Stoke Newington High Street (district centre), Broadway Market, Dalston (major town centre) and South Shoreditch (outside the Special Policy Area), taking account of its impact on local residential amenity, community safety and transport in these areas. In this regard, it adopts the Council's licensing tool of designating a Special Policy Area, as one of the approaches for managing the evening and night-time economy carefully. Therefore the declaration of special policy areas within this Policy will complement and enhance the shared planning and licensing vision of a carefully managed evening and night-time economy.
- 6.7 Linked to this are the town centre initiatives for Dalston and Hackney Central as well as their Area Action Plans which provide important reference to planning and regeneration delivery in those areas.
- 6.8 The Policy has had regard to the findings of the Community Safety Strategic Assessment, commitments of the Anti-Social Behaviour Strategy, Hackney DAAT Drug Strategy 2008-2012 and Alcohol Harm Reduction Strategy 2009-2012, and plans of the Safer Cleaner Partnership Board which has identified a number of local priorities:

- Youth Violence, Disorder and Engagement
- Alcohol Related Crime & Disorder, Licensing and Safer Socialising
- Domestic Violence, Rape and Sexual Assault
- Nuisance Neighbours & Domestic Noise
- Substance Misuse, Treatment and Drug Dealing.

6.9 Linked to this is the introduction of Hackney's borough wide Designated Public Places Order (DPPO), made under the Criminal Justice and Police Act 2001 which came into effect on 24 May 2010. The borough wide DPPO is locally named as the borough wide Controlled Drinking Area (CDA). This enables the Police and Community Support officers to require persons in any public place to stop drinking alcohol and surrender any open or unopened containers of alcohol. Failure to comply with an officer's request to stop drinking and surrender alcohol without reasonable excuse can lead to a £50 penalty notice for disorder or being arrested and then prosecuted. The maximum fine that is given if someone is prosecuted for such an offence is £500.

6.10 The Council's CDA does not apply to premises and areas where the sale or supply of alcohol is licensed and the licensable activity is in operation.

6.11 Designating the Borough as a CDA allows anti-social behaviour and disorder related to the consumption of alcohol to be prevented at an early stage. The CDA will be monitored to ensure that it is used proportionately. Additionally, the Police and outreach workers from the Drug and Alcohol Action Team will work together to refer those who are abusing alcohol to relevant treatment centres.

## **7. Other relevant legislation**

7.1 The following legislative tools are also relevant to this Policy and regulation of licensed premises:

- The Race Relations Act 1976, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups
- The Disability Discrimination Act 1995 introduces a duty on all public bodies to promote equality of opportunity for disabled people. It is recommended that licensees are aware of the duty to provide goods and services to disabled people under the 1995 Act
- The Crime and Disorder Act 1998 establishes the Council and the Metropolitan Police Service as responsible authorities for the implementation of crime, drugs and alcohol reduction within the Borough. Section 17 of this Act creates a duty for the Council to do all that it reasonably can to prevent crime and disorder in the Borough.

- The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR). The Council will have particular regard to the following sections of the ECHR:
  - Article 1, of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions including for example, the possession of a licence
  - Article 6, that in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
  - Article 8, that everyone has the right to respect for his home and private life and
  - Article 14, that the enjoyment of the rights and freedoms set within the Convention shall be secured with discrimination on any ground of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
  
- The Environmental Protection Act 1990 specifies that all businesses are subject to The Duty of Care Law. This means that they must take all reasonable steps to keep waste safe. Waste must be stored safely and securely and must not cause pollution to people or the environment. It must be packaged in suitable containers so that it cannot fall out, blow away or escape from the receptacle. It must be secured against unauthorised removal as far as is reasonably practical. Security should be sufficient to prevent the breaking open of containers and removal of waste by vandals, thieves, animals, accident or weather.
- The Environmental Protection Act 1990 also enables detection and action for those committing a statutory nuisance for committing a noise or odour nuisance for example. This Act allows practicable steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a prosecution of any breach of the notice. A statutory nuisance is when it is prejudicial to health or a nuisance.
- The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of our local environment and provides local authorities with more effective powers and tools to tackle poor environmental quality and anti-social behaviour in relation to litter, graffiti, waste and noise. An example of one of the powers that has been introduced is the ability to issue fixed penalty notices to those exceeding permitted levels between 11pm and 7am.
- The Health Act 2006 is responsible for making provision for the prohibition of public smoking in enclosed or substantially enclosed premises, places and vehicles. This includes previously-designated "smoking-rooms" and increasing the legal age for tobacco sales to 18 years or over. This Act will affect most public places, including work places. Tobacco may only be sold to those aged 18 or over.

- The Violent Crime Reduction Act 2006 introduced measures for local authorities and the Police to tackle guns, knives and alcohol related violence. It covers the new offence of persistently selling alcohol to children and enables the licensing authority where requested and when appropriate, to attach interim conditions or suspend a premises licence pending a full review.
- Policing and Crime Act 2009 allows a Councillor to make representations in their own right, as a Councillor, against applications made along with applying for a review of existing licences issued under the Licensing Act 2003. It also enables additional Mandatory Codes (by way of conditions) to be applied to all licences issued under the Licensing Act 2003 that involve the authorisation relating to the supply of alcohol.
- EU Services Directive
- The Health and Safety at Work Act 1974
- Anti-Social Behaviour Act 2003
- Food Safety Act 1990
- Regulatory Reform (Fire Safety) Order 2005
- London Local Authorities Act 1990 (as amended by 2004 Act)
- The Gambling Act 2005
- The Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012
- The Deregulation Act 2015

## **8. Continuing the partnership approach**

- 8.1 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. To this end 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.
- 8.2 With what is now a mature night-time economy, Hackney has seen its regulatory agencies respond to this in tackling problem premises. Partners such as Licensing Enforcement, Police, Noise Pollution, Community Safety, London Fire Brigade, Trading Standards and Planning Enforcement now work even closer together to address the negative impacts of the night-time economy. This joined up approach is demonstrated through regular intelligence meetings with partners to identify common risks and problem premises for targeted action, as well as regular, high visibility multi-agency joint enforcement campaigns.
- 8.3 As a result, the Council's planning and licensing services work more closely with the Police to tackle problem premises that are causing a nuisance. They are working towards ensuring that in future, residents who have complained about premises receive a full response on action

taken within 28 days of a referral and will be kept up-to-date with the progress of investigations. The Licensing Service will commence further investigations where breaches have been found and this may result in formal action where appropriate

- 8.4 It has also been essential to apply the partnership approach in encouraging social responsibility amongst the licensed trade. Working together with licensees, a number of initiatives to encourage the trade to work with the Council and its partners to raise their standards have been delivered. These have ranged from licensee business seminars and designing out crime sessions to the promotion of crime detection radio schemes, Pubwatch and a Council and partner media campaign in Shoreditch over the Christmas period of 2009 called “Hackney Say Relax” encouraging social responsibility with both the trade and revellers. The successes of Pubwatch as a forum for information sharing and engagement between regulatory agencies and the trade has seen the mutual support and creation of an additional scheme in Dalston.

## **9. Enforcement in Hackney**

- 9.1 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. For example, the Licensing Service will become more responsive and in future will look to respond to complaints about nuisance premises within 48 hours.
- 9.2 The Council has developed an Enforcement Policy as part of the Council’s Enforcement Strategy 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.

## **10. Council obligations to residents and others**

- 10.1 A major role of the Council as Licensing Authority is to balance the needs of the entertainment industry and the needs of residents and other stakeholders in the Borough including businesses, workers, shoppers and visitors. In areas where there is a high concentration of licensed premises, and there has been evidence of negative impact, particularly alongside a high-density residential community, the Council may decide to adopt a Special Policy Area.
- 10.2 The licensing regime, however, should not be viewed in isolation. It is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the licence/certificate holder. Other mechanisms include Police

enforcement and Council strategies such as the planning policies set out in the Council's Local Development Framework Documents and the Council's Enforcement Policy. However licensing law is still a key aspect of such control and it will always be part of the Council's holistic approach to the management of the evening and night-time economy.

## **11. Policy aims and key objectives**

11.1 The Policy seeks to encourage a self-regulated industry that is socially responsible, well managed and that offers high quality entertainment in a safe environment whilst minimising any real or perceived negative impact on residents and their living and working environment, customers and businesses. The Council will be mindful of the strategic vision and plans for Hackney's town centres and would encourage operators making applications to do so with a view to furthering that vision (refer to paragraph 6, in particular paragraphs 6.4 -6.6). It will do all it can to secure the achievement of this vision through licence decisions and by setting out the standards of management and control expected of the trade in this Policy. Overarching all these aims is the fundamental principle that the Council will carry out its functions to promote the four licensing objectives.

11.2 It will not hinder the many responsible licensees in Hackney, nor undermine the right of any individual to apply for a licence. The Council will provide appropriate guidance and best practice advice to assist all stakeholders. This will be achieved by:

- Building upon best practice within the industry
- Encouraging and facilitating the role of partners and stakeholders
- Encouraging self-regulation by licensees and managers
- Providing a clear basis for the determination of licence applications
- Supporting related Council policies and strategies
- Encouraging dialogue between licensees and neighbours
- Continuing to publish guidance for Members of the Council and applicants
- Publishing easy to understand guidance on how the licensing process works and how to make representations
- Making it as easy as possible for residents to complain when there is a licensing related problem by proactively ensuring that whilst objections are unsolicited, application information is available to all parties on the Council's website and on request.

11.3 The safety and amenity of residential communities is of primary importance. The Council expects licensees to respect the needs of residents, neighbouring businesses and others in the surrounding area.



- 11.4 The Council acknowledges the diversity of its population and the various cultural, religious and social requirements of our communities. The Council intends to encourage a variety of entertainment that appeals to these diverse audiences. It will foster understanding and respect for the cultural and religious needs of all communities in the Borough.
- 11.5 The safety of both patrons and employees is considered when licensing applications are determined following receipt of relevant representations, as is accessibility on the grounds of disability, ethnicity or gender. While recognising that these matters are often covered by other legislation, the Council reserves the right to satisfy itself that these pre-requisites have been complied with where they affect the licensing objectives.

## **12. Making representations**

- 12.1 The Council cannot refuse a licence, or impose conditions, unless relevant representations have been made. This also applies to premises in a Special Policy Area.
- 12.2 Responsible authorities and other persons have the right to make relevant representations about new applications and variations of existing licences/certificates. At any stage following the grant of authorisations a responsible authority or other person may apply to review the licence/ certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 12.3 In making representations, parties are likely to use their local knowledge and consider the history of certain events and activities when scrutinising applications. In order to minimise concerns the Council actively encourages dialogue between applicants, responsible authorities and other persons when applications are being prepared. This allows for appropriate liaison before formal representations prove necessary.
- 12.4 Where responsible authorities and other persons are content with the proposals put forward in the operating schedule, or where, following negotiation, agreement over the imposition of licence conditions or over any outstanding issues can be reached, the application can then be handled swiftly and easily by licensing officers under delegated authority.
- 12.5 Where relevant representations are made, for example where there are concerns, which cannot be resolved through negotiation that the licensing objectives are being undermined, or where the applicant has not provided sufficient information in the operating schedule as set out in the LPs, the application will need to go before a licensing sub-committee for a decision. The application may be refused, or

conditions may be attached to an agreed licence in order to promote the licensing objectives.

- 12.6 Where representations are made, the Council will consider the nature of the business concerned in order to examine the potential steps that are appropriate to reduce the risks of the licensing objectives being compromised. Any conditions imposed will be proportionate to this.
- 12.7 In exceptional circumstances, a person who wishes to make representations may request that their personal details are not disclosed to the applicant due to fears of harassment or intimidation. However, apart from the Licensing Authority, the applicant may also require these details to ascertain the relevance of the representation. The Licensing Authority will consider whether the personal information in part or in full should be withheld from the applicant where the circumstances justify this.

### **13. Main considerations when completing the application form**

- 13.1 Anyone making a new or variation application for a premises licence or club premises certificate is required to submit a completed application form. This includes the operating schedule, which should be completed to demonstrate how the licensing objectives will be promoted. The operating schedule should be based on a risk assessment of the premises having regard to:
- The activities to be covered by the licence
  - The relevant background information and LPs as set out in this Policy.
- 13.2 The four licensing objectives are of equal importance and therefore each needs to be considered with equal weight. 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.
- 13.3 Where insufficient detail is given in the application to satisfy responsible authorities and other persons, this is likely to lead to relevant representations being made against the application. Not only could this delay a decision, it is more likely to result in a Licensing Sub-Committee citing the lack of information as grounds for refusal as it has not been satisfied that the licensing objectives would be upheld.
- 13.4 Where the application is approved, commitments or proposed measures/ actions in the operating schedule will be incorporated into the licence/ certificate by way of conditions, setting out the permitted activities and limitations on them.

## **14. Cumulative impact and special policies**

- 14.1 Policies relating to cumulative impact, which the Council refers to as a Special Policy Area (“SPA”) provide a presumption to refuse applications for new premises licences, new club premises certificates and variation applications where representations are made and when concerns cannot be allayed.
- 14.3 Please refer to paragraphs 32 to 35 on the Council’s proposals for a cumulative impact policy.
- 14.4 Through future consultation it may be established that other areas within the Borough are experiencing a concentration of licensed premises leading to the undermining of the licensing objectives. If evidence is identified to support this, special policies may be adopted.
- 14.5 The Council reserves its right to declare SPAs in the future. In considering future areas, the following factors may be taken into account (individually and/or collectively) in determining whether other areas in the Borough have been identified as areas at risk of cumulative impact:
- Numbers, types, terminal hours and concentrations of licensed premises
  - Indications that there is an oversupply of entertainment premises that risk undermining the licensing objectives
  - General crime levels and those that are potentially alcohol and licensing related
  - Accident and emergency figures for alcohol related call outs
  - Noise complaints data relating to music entertainment venues and loud voices from licensed premises
  - Public nuisance complaints data
  - Concerns from regulatory agencies to cope with the negative impact of licensed premises. This could for example be provided in the form of a statement from the Police highlighting the ability to cope with existing or increased associated problems given their resources
  - Concerns from other persons that there are issues of crime and disorder and/or public nuisance linked to the concentration of licensed premises
- 14.6 The above factors will be assessed having regard to whether and how they have changed over time, and how these factors compare with the rest of the Borough.
- 14.7 Through the planning process and the Local Development Framework, licensed activities will be encouraged to locate where there is an undersupply, rather than where there is saturation of a particular sector. Late night premises will be encouraged to locate outside

predominantly residential areas and to be non-alcohol related in their primary offer.

## **15. New establishments and variations**

- 15.1 When considering the suitability of an area for any licensed activity, consideration should be given to the established use of surrounding buildings. For example, operating a venue that sells alcohol near a mosque, synagogue, church or other religious centre may be felt inappropriate by that community leading to substantial planning and licensing objections.
- 15.2 Other locations such as hospitals, schools, and residential homes for older people may also be considered sensitive, and could potentially undermine one or more of the licensing objectives and therefore attract representations. However, each case will be determined on its own merits with regard to the licensing objectives.
- 15.3 When its discretion is engaged, the Council will need to be satisfied that any regulated entertainment proposed will be suitable for the location in which the premises are situated so as not to offend the licensing objectives (see also paragraph 31). Primarily, this will be a matter for planning control. Hackney's Local Development Framework will provide clear policy criteria on the design and location of premises that involve regulated entertainment. The Policy in turn will provide clear criteria regarding how the sale of alcohol, late night refreshment and/or regulated entertainment proposed is to be organised and managed in order to support the licensing objectives.
- 15.4 Premises that risk causing considerable noise or other nuisance may be strongly opposed by local people. It is therefore essential that those proposing to develop a new business consider carefully the location, design and type of entertainment they will offer, the hours of operation and availability of transport. They must also consider the impact of noise pollution, fumes, litter, refuse, traffic congestion and parking as well as the potential for increased crime and anti-social behaviour.
- 15.5 The Council will have due regard to the history of the premises and its operation with regards to complaints, breaches of existing licences, and/or the results of any enforcement or investigative action carried out at the premises where these have had or have the potential to have a direct or indirect impact on the licensing objectives. For example, regard may be given to the outcomes of any police inspections including the use of equipment to detect crime such as an ion-track itemiser, which identifies evidence of drug taking on premises.

## **16. Minor variations**

16.1 The minor variations process allows applicants to benefit from a simplified variation process. An application for a minor variation requires a white site notice to be displayed on the premises and there is also no requirement to consult with responsible authorities.

16.2 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 the licensing objectives.

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

- Small changes in the layout/structure of the premises that have no impact on the licensing objectives, for example, the reduction in seating capacity or change in bar position/ size may not be seen as an adverse impact on the licensing objectives
- The addition of voluntary/agreed conditions, for example conditions agreed with the Police or other responsible authorities
- Removal of conditions that are dated and have no impact on the operation of the premises, for example, this may apply to conditions that require an applicant to carry out specific actions by a certain date and those actions have been satisfactorily addressed
- Reduction of hours for any licensable activity.

## **17. Private events**

17.1 Where there is an intention to profit on the hiring out of a premises for a private event and the premises is to be used for the provision of licensable activities, these activities are to be covered under a temporary event notice, a premises licence or a combination of both if necessary. Licensable activities in these circumstances include the sale of alcohol, late night refreshment and entertainment provided for profit. It becomes a licensable activity when the entertainment or facilities being provided for entertainment are included within the cost of hiring out the premises. This may also apply to charitable or community purposes.

17.2 Where a private event with the provision of licensable activities is held in a premises with a club premises certificate and is not solely for its members or the venue itself has been hired out, then this event will also need a temporary event notice. This is considered appropriate to promote, protect and safeguard the licensing objectives.

## **18. Wholesale of alcohol**

18.1 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.

**19. Internet and mail order sales**

- 19.1 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 need a licence. The Council expects that the application will include procedures for ensuring that sales of alcohol are not made to persons under 18 years of age.

# **Hackney's Statement of Licensing Policy**

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## **How this Policy applies**

- **The Licensing Policies are shown in text boxes called LPs.**
- **Applicants are strongly encouraged to read the LPs when preparing their application whether for grant or variation of licences or certificates and to include the standards set out in the LPs as part of their application. However, they are not obliged to do so;**
- **If they do not do so, it is more likely that their application will attract objections (relevant representations) from other persons and responsible authorities based on a departure from the LPs;**
- **If no objections are received, the licensing authority is bound to grant the application, subject only to the terms of the application and any mandatory conditions;**
- **If, however, objections are received, the Licensing Authority's discretion is engaged;**
- **In exercising its discretion, the Licensing Authority is likely to apply the standards set out in the LPs, unless exceptional circumstances can be demonstrated whereby the objectives of the LPs are achievable through other means;**
- **Therefore, while applicants are legally entitled to make applications without complying with the LPs, a failure to comply with the LPs is likely to lead to objections, delay, extra cost and the application of the Policy at a licensing hearing; and**
- **Where the LPs refer to standards expected of operators, and of action the Licensing Authority will take, this is within the context explained above. For example, where the LP states that the Licensing Authority will impose conditions, this means when its discretion has been engaged following the receipt of relevant representations.**

### **Note:**

- **The additional text in the Policy, where relevant, gives examples, background and reasoning for the LPs.**
- **The appendices give additional information referred to within the Policy.**

## **20. Scope of the Policy**

- 20.1 When considering applications, the Council will focus on the safety of potential users and the impact the activities are having on others in the vicinity such as residents, the general public and other businesses.
- 20.2 In addition to the Policy, applicants also need to have regard to other relevant legislation which is set out at paragraph 7.

## **21. Policy requirements**

- 21.1 In making or considering applications for new premises licences, club premises certificates or variations to existing licences, or where licences are reviewed, the licensing policies (LPs) as set out below will apply. Applicants should also have regard to paragraphs 11-15 and the “How this Policy applies” section on page 24 which may assist in avoiding representations being made against the application.

## **22. Planning policy requirements in relation to licensing**

- 22.1 Before an application for a new or variation of an existing licence is made, those seeking to open new premises, increase the capacity of an existing venue, or extend the hours of operation should ensure they have the relevant planning consent, or existing/established use rights for both the type of venue intended, and the hours sought.
- 22.2 Planning and licensing are separate regimes with their own considerations and the granting by a Licensing Sub-Committee of any licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning and building control permissions where appropriate. Also, applicants must observe the planning conditions of any terminal hours of use where these hours are earlier than the licensing hours sought. However, applications for licences should be made after the relevant planning permission has been granted so that proper consideration is given to the impact the use of the premises will have on the surrounding amenities, character and locality.
- 22.3 Applicants are encouraged to demonstrate that the premises for which a licence is sought is suitable for the proposed use and that the operation will not undermine the licensing objectives. Applicants should note that having the relevant planning permissions in place will help demonstrate the suitability of the premises.
- 22.4 Applications for licences may be made before any relevant planning permission has been sought or granted. The lack of planning permission is not in itself a relevant representation. However, applicants should note that where this is not in place, relevant representations may be made either by responsible authorities or other



persons where their representations relate to the licensing objectives. For example, the Planning Authority may make a representation referring to a previous planning decision which sets out the rationale for limiting the hours of use or the type of activity. This may be on the basis of protecting adjoining occupiers from being unduly disturbed.

- 22.5 LP1 is to be satisfied for all premises licences and club premises certificates. The Council would expect that planning permission requirements should also be met in respect of premises seeking temporary event notices.

#### **LP1 Planning**

**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)**
- (b) The hours sought do not exceed those authorised by any planning permission.**

**Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.**

#### **23. Provisional statement policy requirements**

- 23.1 Applicants may want to apply for a provisional statement where premises are being constructed, extended, or structurally changed.
- 23.2 The more detail about the likely operating schedule that an applicant provides with an application for a provisional statement, the less is the risk that a subsequent application for a premises licence can be subject to challenge.

#### **LP2 Provisional Statements**

**The principles to be applied for provisional statements are similar to those applied for premises licences.**

**The application form for provisional statements is to include:**

- Clear plans of the proposed structure
- An operating schedule including details of:

- The activities to take place there
- The time at which such activities will take place
- The proposed hours of opening
- Where the applicant wishes the licence to have effect for a limited period, that period
- The steps to be taken to promote the licensing objectives, and
- Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

## **24. Premises licence and club premises certificate policy requirements**

24.1 The Policy requirements outlined below will be considered for all new and variation applications.

24.2 A variation of such a licence includes:

- Any increase in capacity of the premises or venue concerned
- Any change in the hours of operation
- Any increase in the hours of the sale of alcohol or regulated entertainment
- The addition of any licensable activity
- Any variation to existing conditions applied to the licence.

24.3 The primary intent of the application form is to demonstrate that the operation of the premises or event can be controlled and managed so as to safeguard the licensing objectives.

24.4 The Council requires applicants to classify their premises by type (for example, bar, restaurant, mixed use etc) and for details to be reflected in the operating schedule and submitted plans. For example, a restaurant would be expected to provide food at all times, unless otherwise specified and explained in the operating schedule. Additionally, the submitted plans would show the floor area, including any outside drinking, smoking or dining areas and areas to be dominated by tables and chairs.

### **LP3 The Application Form and Operating Schedule (minimum requirements)**

**The application form is to outline the operations of the entire licensed business or event and must include:**

- (a) Prescribed plans**
- (b) A general description of the style and character of the business or event to be conducted at the premises or venue, e.g. supermarket, restaurant, cinema, nightclub,**

or street party

- (c) An indication of the type of entertainment available
- (d) The relevant licensable activities to be undertaken at the premises or event, preferably with a risk assessment in respect of these activities
- (e) The times during which each of the proposed licensable activities are to take place
- (f) Any other times during which it is proposed that the premises or event be open to the public
- (g) Where the applicant wishes the licence to have effect for a limited period, that period to be specified
- (h) Whether alcohol is to be supplied for consumption on or off the premises or both
- (i) Where alcohol is to be supplied, details of the designated premises supervisor (not necessary for premises holding club premises certificates unless alcohol is to be sold rather than supplied to members)
- (j) Whether they propose to have sexual entertainment involving nudity or striptease or any other activity involving full or partial nudity, e.g. topless waitresses etc, or sex related entertainment such as the showing of films or other recordings with an 18 restricted category. This will need to be licensed as a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982, as amended. The applicant must demonstrate that they hold the relevant licence
- (k) The steps which are proposed to promote the licensing objectives. In doing this, applicants are strongly encouraged to address the LPs as applicable.

**Note:**

- The conditions that are appropriate for the promotion of the licensing objectives should normally emerge initially from a prospective licence or certificate holder's application.
- If the application has been granted the details of the application will be incorporated into the licence as conditions. Breach of these conditions could result in prosecution or a review and ultimately revocation.

- **Where representations are made and the matter progresses to a Licensing Sub-Committee, if the Sub-Committee have:**
    - i) Doubts about the applicant's ability to promote the licensing objectives and comply with the terms of a licence (for example, proposed conditions, and how licensable activities will be conducted during the operation of the licence)**
    - ii) Doubts around the track record of the management and suitability of the DPS,**
    - iii) Been notified of any actions taken by responsible authorities or the licensing authority in relation to the premises**
    - iv) Been notified of recent or historical complaints**
- they may not grant the permission as sought.**

## **25. Prevention of crime and disorder policy requirements**

25.1 The British Crime Survey has identified that nearly half (46%) of all violent incidents are alcohol related, with victims believing that 62% of offenders are under the influence of alcohol in cases of stranger violence. Through effective partnership working between the Council and its partners, since 2002/ 2003, reported crime in Hackney has fallen substantially. However, in recent years, the rate of reduction has slowed and crime levels are beginning to plateau. With population growth and improved transport networks, there is a risk that reported crime will rise; in particular volume and acquisitive crime as well as some violence.

25.2 The issue of community safety is a particularly significant matter, given the link between alcohol misuse and a range of problems, including anti-social behaviour (including rowdy and inconsiderate behaviour) domestic violence, street drinking, drink driving and public disorder. In Hackney 41.5% of residents feel that drunk and rowdy behaviour is a problem. This is higher than the London average. A recent survey found that some respondents feel less safe walking alone at night because of drunken behaviour. In addition there does appear to be some correlation in Hackney between high crime and areas with a larger concentration of licensed premises.

25.3 It is also noted that historical analysis of alcohol related violence in Hackney found that over half of all violent crimes occurred between 1800 and 2350 hours and most alcohol related violence was assault

with injury, common assault, harassment and robbery suggesting that the night-time economy and alcohol is a contributory factor in violent crime.

- 25.4 Having regard to the general picture of crime and disorder on the Borough, measures that applicants may wish to apply are best targeted on deterrence and prevention. For example, these may include completion of a Club Industry Minimum Operating Standard (CIMOS) risk assessment, use of CCTV and door supervision. Where there is a high concentration of premises it may be advantageous to have text or radio pagers to enable instant communication with the police. In Shoreditch, licensed premises can join the Shoreditch Night Owl Watch (SNOW) radio scheme.
- 25.5 Licensees are expected to be aware of the potential for drug misuse on their premises and, where this is a risk, to take appropriate advice from the Police and/or Drug Action Team in order to introduce measures that can mitigate this risk.
- 25.6 There are now mandatory licence conditions (as at Appendix A) that require licensees to take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. Licensees should therefore refrain from offering so-called “happy hours” and promotional sales of low cost alcohol which can lead to “binge drinking”. These practices can cause or contribute to drunkenness, with consequent health risks to individuals, and to anti-social behaviour.
- 25.7 The Council recognises Police concerns related to “pre-loading”, the practice of people drinking alcohol before embarking or en route to their chosen night-time destination. They have observed what appears to be a correlation between the sale of alcohol from off-licensed premises and the increase in low level disorder occurring outside on-licensed premises, for example in queues. As such, the Police may make representations limiting the hours of alcohol sales for off-licences.
- 25.8 Hackney’s Police Licensing Unit and Metropolitan Police Clubs and Vice Unit may be able to advise those operating high-risk premises on best practice in reducing crime and disorder. Licensees are strongly encouraged to participate in Pubwatch. Nightclubs and other high volume late night premises are encouraged to comply with CIMOS criteria. Those running nightclubs or other late night premises will be able to obtain more specific information on safer clubbing from Hackney’s DAAT Assertive Response Team (DART) (see [www.hackneydaat.org.uk](http://www.hackneydaat.org.uk)) and Hackney Police Licensing Unit (email [hackneylicensing@met.police.uk](mailto:hackneylicensing@met.police.uk)).
- 25.9 Where an event involves live performers (for example, musicians, DJs, MCs and other artists) at a licensed premises that is promoted by the licence holder or an outside promoter and admission is free, by

invitation, payment on the door or by ticket, it is advised that a comprehensive risk assessment is completed in consultation with and to the satisfaction of the Police and Fire Authority. This may also include the completion of an after event debrief form. This is to ensure that any crime and disorder and public safety matters or concerns are identified and addressed satisfactorily.

25.10 Relevant risk assessment forms can be obtained from Hackney Police Licensing Unit.

25.11 Where risk assessments are required, they should be submitted at least 14 days before any proposed event and debrief forms submitted within 14 days of the conclusion of the event, by email to all of the following:

- Metropolitan Police Clubs Focus Desk – CO14@met.police.uk
- Hackney Police Licensing Unit – hackneylicensing@met.police.uk

25.11 Gang related activity is another area receiving Police focus given concerns about the relationship between gangs and anti-social behaviour and criminal activity, including serious violence. Where there is an association between gang activity and the area and/or the premises, the Police are more likely to object to the application.

25.12 The Council believes that late night entertainment and refreshment is best located in areas that are commercial in nature and where there is good access to public transport. In order to meet the licensing objectives, the Council would expect new licensees and those seeking variations to hours of operation or capacity at premises, to consider carefully whether there is sufficient public transport for patrons to get home safely and quietly without disturbance to nearby residents. Although public transport has improved in the Borough with more night buses, the number of women who are attacked each year in unlicensed cabs due to the lack of available public transport remains a concern.

**LP4 Crime and Disorder**

**Applicants are expected to demonstrate within their application measures to prevent crime and disorder, such as:**

- (a) **Details of registered door supervisors and other staff to be provided including their relevant qualifications or registrations, the number of such staff, their location whilst working at the premises and the times they will be on duty. All door supervisors are to be licensed by the Security Industry Authority ([www.the-sia.org.uk](http://www.the-sia.org.uk))**

- (b) Locations of any physical security features to protect the premises, customers and staff, such as CCTV equipment, alarms systems, secure window locks to be used inside/outside the premises. When referring to CCTV, identify its coverage of the interior and exterior of the premises, which it is to be recordable, kept for a minimum of 31 days and made available to the Police and Licensing Authority on request. When details of security measures are provided, they will be kept out of the public domain
- (c) Provision of adequate search facilities where appropriate to the use of the premises. This may include use of technology such as ID scanning, weapon arches and search wands
- (d) Measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons. For example, designing out areas or surfaces where there is a risk of crime, drug detection and confiscation policies, internal patrols
- (e) Measures to be implemented to promote sensible drinking and prevent binge drinking. For instance, by the display of safe drinking material or legal warnings
- (f) Arrangements for any promotional events such as “happy hours” or special offers should be avoided having regard to the mandatory conditions. If any such event is undertaken, careful consideration should be given to their duration, times, location within premises and any additional measures (such as increased security), to minimise crime and disorder
- (g) Location of lighting inside/outside the premises
- (h) Other measures aimed at preventing crime and discouraging anti-social behaviour. Careful regard should be given to the Council applying its borough wide DPPO (“Controlled Drinking Area”). Depending on the circumstances, this may for example include the restricted sale of low cost, high strength alcohol (which may be indicated by wording such as “super” on the drinks packaging) and the display of signage highlighting that the premises is located in a Controlled Drinking Area
- (i) Whether or not the premises will be serving alcohol in glass or plastic containers; if serving alcohol in glass containers, identify what measures will be implemented to ensure patrons cannot take glass outside the premises
- (j) Whether the premises belongs to a local Pubwatch scheme or has complied with a Police Club Industry Minimum

**Operating Standards (CIMOS) report**

- (k) The availability of drinking water**
- (l) The location of any toughened glass to be installed at the premises**
- (m) The details of any proof of age scheme to be implemented**
- (n) The maximum capacity figure for the premises and a statement demonstrating the premises' ability to accommodate the predicted number of patrons safely and how this is managed, for example by way of door supervision or counting mechanisms such as clickers**
- (o) Whether the premises has undertaken a Police Drug Ion Itemiser Tracker assessment or cooperated with any other Police investigation in order to detect crime and disorder. Where premises have taken part in such activity, an explanation of the outcomes, including any actions taken in addressing the issues raised is encouraged**
- (p) Whether queue management arrangements are in place. This may include door supervision and/or the use of barriers where these do not obstruct the public highway**
- (q) Whether staff training on the licensing objectives is provided and recorded**
- (r) Whether other socially responsible practices are employed, such as anti-spiking measures, use of handbag clips, notices and designated driver schemes**
- (s) Whether other management practices are employed, such as maintenance of incident and accident logs, refusal of sales logs, refusal of entry logs, server training, provision of emergency contact numbers to regulatory agencies should contact with management be required as a matter of importance**
- (t) Whether appropriate safeguards are in place to address the potential risks and impacts of gang related activity, particularly where the area and/or the premises are renowned for being a source of or associated with gang related activity.**



## **26. Prevention of public nuisance policy requirements**

- 26.1 Public nuisance can include low-level nuisance affecting a few people locally as well as a major disturbance. The Council is committed to protecting the living and working amenity and environment of other persons in the vicinity of licensed premises. The definition of vicinity is to be judged on the facts of every case, including the locality and the nature and style of the operation and its clientele.
- 26.2 Businesses such as take-away restaurants, late night off-licences and cafés and activities such as drinking alcohol can give rise to a range of adverse affects for nearby residents. The Council intends to interpret nuisance in its widest sense, and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, odour, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
- 26.3 Noise nuisance can come from a range of sources: chatter from patrons standing outside; eating and drinking; noise escaping from premises; car doors slamming; taxi horns sounding as patrons are picked up and general noise of people arriving and leaving. This is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep and so it is important that applicants can demonstrate how they will effectively manage the exit and dispersal of their patrons. The Council's approach will be one of prevention as well as using its enforcement powers where necessary.
- 26.4 Waste from licensed premises can create problems if not handled with care. Businesses must have an adequate trade waste agreement for the disposal of their waste. A suitable storage facility should be provided on the premises until the waste can be collected and collections should not be made at anti-social hours where this is likely to disturb residents. The Council encourages the recycling of glass bottles, but these must not be deposited in public recycling bins. Arrangements should be made for this to be collected as trade recycling and bins should not normally be discharged or collections made between 11pm and 7am.
- 26.5 Some types of premises have a greater impact than others. Venues that focus on serving alcohol and encouraging high volume "vertical drinking" may have greater impact on the surrounding amenity than premises where there may be seated dining. Where plans accompanying an application show this type of drinking to be a substantial feature, the responsible authorities are more likely to make relevant representations having scrutinised the potential impact.
- 26.6 More clubs and late night bars may be acceptable in industrial areas, providing there is adequate transport. However, any other person has the same right to make representations concerning applications for, or reviews of, premises licences or club premises certificates, including

hours of trading. These representations must be considered by the same standards regardless of what type of premises those people live in or conduct their business from; for example, those residing in permitted live/work accommodation are still considered to be residents. Where areas have a mixed use or are purely residential in nature, it may be difficult to argue that the prevention of nuisance objective would not be undermined by certain activities at certain hours.

- 26.7 An important remit for any licence holder is the ability to effectively manage both outside spaces within their direct control and the associated behaviour of people enjoying the atmosphere generated by the licensed operation. Applicants should take all reasonable steps to prevent the occurrence of crime and disorder or public nuisance outside their premises where and to the extent that these matters are within their control. Such areas can include beer gardens, forecourts, smoking areas and areas where patrons may gather to eat, drink or socialise. The need for control is particularly important over the summer months and more so given the now established smoking laws which prohibit public smoking in enclosed/substantially enclosed areas.
- 26.8 Outside drinking, can generate a number of negative outcomes such as noise, anti-social behaviour, litter and highway obstruction. Members of the public can feel intimidated by drinkers and can be put off visiting public areas where unregulated drinking occurs. Therefore, drinking should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a street trading licence has been granted by the Council for tables and chairs, on the public highway. Where a premises does not benefit from such an area and customers wish to smoke outside, they should not be allowed to carry drinks with them.
- 26.9 It is noted that where experience has shown that customers or people congregating outside the premises are adversely affecting the licensing objectives, the Council retains its power on applications for review to curtail the premises' operation or hours to prevent this negative impact.
- 26.10 Where relevant representations have been made on an application or review lodged and where it is considered appropriate, the Council may impose conditions to address this, such as disallowing readmission to the premises or requiring the use of polycarbonate 'glasses' inside and/or outside the premises.
- 26.11 Given the potential problems that may arise from patrons drinking and congregating outside the premises, and the anticipated issues that may arise through outside smoking, regard should be given (where relevant) to the following:
- The ban on smoking in public places
  - Street trading licence requirements (for more details, contact Markets and Street Trading on 020 8356 3367)

- For licence holders who have not done so already, they will need to apply to vary their licence if there are any conditions on the licence that restrict the movement of people between areas inside and outside the premises. Applicants for new authorisations will need to consider how they will regulate their patrons in relation to the smoking laws.

26.12 In many parts of Hackney there is little public parking for patrons due to limited road space and residential parking. As customers are often drinking, the Council would prefer that they are encouraged to use other modes of transport.

26.12 Comprehensive and up-to-date public transport information, and information on car parking restrictions, should be provided by venues to their patrons. This information, which can be tailored for specific venues, is available from the Transport for London website, [www.tfl.gov.uk](http://www.tfl.gov.uk)

**LP5 Public Nuisance**

**Applicants are expected to demonstrate within their application that problems such as noise, light, smoke, odour, litter, anti-social behaviour, human waste, fly posting and highways/footpath obstructions can be minimised through steps they propose. For example, the application should where appropriate:**

- (a) **Demonstrate that, between 11.00 pm and 7.00 am:**
  - **No noise is audible a metre from the façade of the nearest noise sensitive premises, or**
  - **No noise is audible within the nearest noise sensitive premises.**
  - **There is no discharge of glass recycling bins and no waste/recycling collections**

**Depending on the individual circumstances, the Council may request the provision of an acoustic report**
- (b) **Provide details of the location and types of noise attenuation measures used to minimise noise and vibration escaping the premises and car parking areas. Such measures may include sound-proofing, acoustic lobbies and sound limitation devices**
- (c) **Demonstrate measures to avoid vehicular queuing on the carriageway and disturbances from patrons queuing on the footpath**
- (d) **Illustrate the location of any taxi ranks, bus stops, train**

or tube stations in relation to the premises

- (e) Provide details of the location of gardens, open-air areas and the number of tables and chairs (where relevant) within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas

Provide details of how outside areas will be managed, in particular:

- The hours of use of any outside area where for example smoking, eating and drinking will be permitted. These may explain that use of the area is prohibited after a certain time to avoid disturbance late at night where residents are located nearby
- Measures to prevent drinks being spiked where people leave these unattended
- Where there is payment for admission, how re-entry can be managed – for example by the use of wrist bands
- Measures to ensure that patrons outside do not create nuisance from noise, smoke, obstruction or litter to neighbours or members of the general public
- Use of any physical security features and CCTV
- Use of door supervisors to monitor the area and people's behaviour
- Clear delineation of outside areas in consultation with Environmental Enforcement Services and Public Realm to avoid the obstruction of any public highway
- Provision of regular glass collection and cleaning patrols
- Any offer of a waited table service

Demonstrate that there are effective dispersal policies in place, such as:

- Door supervision
- Notices and posters asking patrons to enter and exit the premises quietly
- "Winding down" periods

**NOTE:**

For good practice guidance on managing the end of a

night, applicants may wish to refer to the NOCTIS Dispersal Policy available at: <http://noctis.net-genie.co.uk>

- (f) Provide details of permissions where relevant (for example, planning permission or a street trading licence) for any gardens, open-air areas or tables and chairs to be used by patrons
- (g) Provide details of the refuse and waste management arrangements and collection times in place at the premises, including where on the premises refuse and recycling will be stored before collection. Give details of trade waste agreements that exist for the premises
- (h) Identify whether the activity will generate additional litter (including fly posters and/or illegal placards) in the vicinity of the premises, and the measures to deal with any such litter

## **27. Protection of children from harm policy requirements**

- 27.1 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.
- 27.2 The Council's Trading Standards Team and the Police have worked closely to address underage sales in the Borough. This has involved undercover test purchase operations for alcohol and the offer of guidance, information and toolkits to licence holders on how to ensure such sales do not take place. Irrespective of the type of licensed premises, whether high street chain or independent sole trader, where the licence holder falls foul of alcohol sale age restrictions, these authorities will look to apply to review the licence. This "two strikes" approach to regulation through prosecution and/or suspension of a licence as provided for under the Act will be robustly supported by these authorities.
- 27.3 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.

### **LP6 The Protection of Children from Harm**

- (a) Applicants are expected to demonstrate within their application that those factors that have the potential to harm children have been addressed. These include the potential for

**children to:**

- (i) Purchase, acquire or consume alcohol. (details of any proof of age schemes should be provided)**
- (ii) Be exposed to drugs, drug taking or drug dealing**
- (iii) Be exposed to gambling**
- (iv) Be exposed to activities of an adult or sexual nature including the exhibition of film, or transmission of programmes or videos that include strong language and/or sexual content**
- (v) Be exposed to incidents of violence or disorder**
- (vi) Be exposed to environmental pollution such as excessive noise**
- (vii) Be exposed to hazards**
- (viii) Purchase cigarettes from vending machines. The Council expects these machines to be in sight and under the supervision of bar staff**

**Note – This is not intended to be an exhaustive list.**

- (b) Alcohol is not to be served to under 18s, except in the limited circumstances allowed for by the Licensing Act 2003. For example children aged 16 or 17 are only permitted to consume beer, wine or cider on licensed premises if accompanied by an individual aged 18 or over and if eating a table meal (this excludes bar snacks). (This excludes venues holding a club premises certificate where over 18s only are allowed alcohol.)**
- (c) Where relevant representations have been made, the Council will not normally permit children to be admitted where:**
  - (i) Entertainment of an adult or sexual nature is commonly provided**
  - (ii) There have been convictions for serving alcohol to under 18s**
  - (iii) Certain gambling activities take place (see Council guidance note)**
  - (iv) There have been convictions of harbouring drug dealings or the premises has a known association**

**with drug dealers**

**Note – The Act details a number of measures designed to protect children in licensed premises. The Council will work closely with the Police and its partners to ensure appropriate enforcement of the law, in line with the Council’s Enforcement Policy**

- (d) Where limiting access to children is considered necessary, the Council will consider the following options:**
  - (i) A limit on the hours when children may be present**
  - (ii) An age limitation (for under 18s)**
  - (iii) A limitation or exclusion when certain activities are taking place**
  - (iv) A requirement for children to be accompanied by an adult**
  - (v) Access may be limited to certain parts of the premises**
- (e) No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee**
- (f) Events provided primarily for children will not be permitted to sell alcohol on or from the premises**
- (g) Where internet access is provided measures may be put in place to ensure children are suitably supervised in those areas.**

**LP7 Access to Cinemas, Theatres, Auditoriums and similar premises**

- (a) Licensees are required to restrict children from viewing age-restricted films according to the recommendations of the British Board of Film Classification or, where relevant, any age restriction agreed by the Council. The licensee should state in the operating schedule what measures are to be put in place to control such access**
- (b) For regulated entertainment especially presented for children, the Council will, where relevant representations have been made, require the following arrangements in order to control entry to and exit from the premises to ensure their safety:**
  - (i) An adult member of staff to be stationed in the**

vicinity of every exit, subject to there being a minimum of one member of staff per 50 children or part thereof

(ii) No child, unless accompanied by an adult, to be permitted in the front two rows of any balcony

(iii) No standing to be permitted in any part of the auditorium during the performance

**Note– The Council will expect these issues to be satisfactorily addressed in operating schedules. The Council will consider attaching conditions to licences and permissions to prevent harm to children.**

## **28. Public safety policy requirements**

28.1 The objective of public safety is concerned with the physical safety of people, not with public health.

28.2 Therefore, to ensure the safety of customers, applicants should be prepared to demonstrate, where necessary, that the premises do or will comply with all relevant building regulations. The Council will require that all equipment or fixtures certified as safe or of a satisfactory nature are checked, and that these checks are logged for inspection by the relevant authorities. The Council's Building Control Service or Approved Inspectors (or equivalent) must also be satisfied that the application is, or will be, compliant with all relevant building regulations.

28.3 In addition, the Council will require all licensed premises to be constructed, maintained and managed to such a standard that public safety is not put at risk.

28.4 The Fire Authority have confirmed that they would expect all applications for a new or variation of premises licence to be accompanied with a fire safety risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005. For more details on these assessments, go to [www.london-fire.gov.uk](http://www.london-fire.gov.uk).

### **LP8 Public Safety**

**Applicants are expected to demonstrate within their application measures to protect public safety, including:**

(a) **A current fire risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. If this has not been undertaken, the Fire Authority are likely to make a relevant representation on public safety grounds**



- (b) Safe use of special effects/equipments (lasers, smoke machines, strobe lights etc) which may affect public safety (particularly in music and dance venues and similar premises)
- (c) The availability of up-to-date public transport and car parking information at the premises
- (d) A detailed plan that identifies all existing and proposed fire safety features, including smoke detectors, emergency lighting, sprinkler systems and other safety features. All fire safety measures to be compliant with relevant standards
- (e) All exits to be kept unobstructed, easy to open and clearly signed
- (f) Adequate measures to be in place for disabled people to allow their safe evacuation in the event of an emergency
- (g) The availability of first aid equipment and arrangements for training staff in its use
- (h) Any equipment or fixtures of a particular standard used on the premises to be maintained and inspected with details of checks recorded in a log book.

#### **LP9 Premises Safety**

- (a) Applicants are expected to demonstrate the safety of their premises by ensuring records are kept detailing maintenance checks thereafter in respect of:
  - (i) Periodic electrical inspection
  - (ii) Annual inspection of fire alarm
  - (iii) Annual inspection of hand fire appliances
  - (iv) Emergency lighting inspection and test
- (b) Premises wishing to provide regulated entertainment, or who do not currently adequately ensure safety under current legislation, may also need to comply with prescribed standards. These may include (but are not limited to) additional certificates such as battery discharge, gas safety, passenger lifts, stage equipment, ceilings, and generators.

## **29. Personal licence policy requirements**

- 29.1 The Act includes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. The personal licence is personal to the individual. It is separate from the premises licence which (among other things) authorises the premises to be used for the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premises to another, allowing greater flexibility.
- 29.2 There is little discretion regarding the application of the following policy requirements. In general, provided an applicant has a qualification approved by the Home Secretary and does not have any criminal convictions, the application will be granted. If, however, the applicant has a relevant conviction the Police may object to an application and a hearing will be held.

### **LP10 Personal Licences**

- (a) When determining a contested application the Council will consider whether the grant of the licence promotes the crime and disorder objective. It 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.**

## **30. Temporary event notices (TENs)**

30.1 Permitted Temporary Activities are small-scale, temporary events which include licensable activities that are allowed to take place without the need for a premises licence or club premises certificate. The event organiser (who must be over 18 years old and is referred to as the “premises user”) has to notify the Licensing Authority, by giving a either a standard or late “temporary event notice” (TEN). There are certain limitations imposed on this system:

- Only the Police and Environmental Health (Noise Pollution) can object to a TEN
- No more than 499 people (including staff/organisers) can attend at any one time
- An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50
- A limit of 15 TENs may be given in respect of any particular premises in a calendar year

- An event may last for no more than 168 hours
  - The maximum aggregate duration of the periods covered by TENs at any individual premises is 21 days
- 30.2 Those seeking to rely on a TEN for open-air events should be aware that lodging a TEN does not preclude them from seeking specific consent to use the site in question from the owner of the land and/or building. A premises user with a TEN but without such permission may be committing trespass. In the case of a park or other open space, consent should be obtained from the Council or other relevant public landowner. It is recommended that such consent should be sought at least three months before the scheduled event and the organisers take out public liability insurance. Council contact details are available on request from the Licensing Service.
- 30.3 The Council received 954 TENs for 2009, an approximate increase of 25% from 2008. The Council has noted that around 0.5% of TENs nationally were lodged within Hackney.
- 30.4 The Police believe that TENs are being used as a way of bypassing the safeguards employed when applying for a licensing authorisation and are concerned by the increasing number of premises users who are exploiting TENs to circumvent the level of regulation required when applying for a permanent licence. It is for this reason that the Police consider TENs to be a concern to the crime and disorder objective being undermined.
- 30.5 The level of concern is reflected in the number of police objections and TENs cancelled following police objections. The Police advise that they objected to 19.36% of TENs between October and December 2009 and 2% of TENs were cancelled as a result of police objection. They advise that nationally, TEN cancellations accounted for 0.16-0.57% of notices; up to four times lower than in Hackney.
- 30.6 The Council encourages users to provide notice of the event to the Police and the Council 2 months prior to the temporary event taking place, to promote effective consultation between the user and the Police. Although it should be noted that the Act only requires 10 days notice for temporary events and not the notice requested above. However, where adequate notice or information (as set out in LP11 below) is not provided it is more likely that the Police will object to the event.
- 30.7 The Police advise that should a TEN contain falsehoods, they will consider criminal proceedings against the premises user.
- 30.8 Where the Police have concerns about the temporary activity or event proposed they will submit an objection notice to the Council based on the crime and disorder objective.

- 30.9 In the event of the Council receiving an objection to a standard TEN from the Police and/or Environmental Health (Noise Pollution) which cannot be resolved, the Council will hold a hearing not less than 24 hours before the event is due to take place. In the event of the Council receiving an objection to a late TEN from the Police and/or Environmental Health (Noise Pollution) a counter notice will be served.

#### **LP11 Temporary Event Notices**

**(a) The Police have indicated that they will normally object to TENS where:**

- **The TEN does not provide sufficient information to alleviate Police concerns**
- **The TEN has not been completed fully**
- **Insufficient notice has been given for the Police to satisfy themselves that the event would not undermine the crime and disorder objective**
- **The premises has a history of complaints or incidents linked to the crime and disorder objective. Alternatively, the premises has had a one off serious incident affecting the crime and disorder objective**
- **Previous TENS by the premises user have caused issues of Police concern**
- **The premises user has failed to comply with previous advice and recommendations given by the Police with regard to the management of the premises/ event**
- **Crime and disorder issues have arisen as a result of previous temporary events linked to the organiser and/or the premises**
- **The venue does not already possess a premises licence, or if the event involves a departure from the terms of the premises licence, applicants have not sufficiently demonstrated that the management of the event will meet the requirements set out in the LPs as applicable and proportionate to the nature of the event**
- **A risk assessment of the event in consultation with and to the satisfaction of the Police has not been provided to the Police 14 days in advance of the event. The Police recommend completion of a Form 696 to help satisfy this.**

**The Licensing Authority treats the Police as its main source of advice on crime and disorder and so is likely to treat the advice of the Police in matters concerning TENS as worthy of significant weight.**

**Therefore, applicants are strongly encouraged to have regard to the factors above and provide the following data when notifying the Police and Council of a TEN:**

- **Accurate premises user contact details as well as alternative contact details to ensure that contact can be made**
- **Full details of all acts/performers**
- **Confirmation that the owner of the land/building has consented, preferably in writing, to the TEN**
- **Confirmation that the building/land are deemed suitable for the proposed TEN both in terms of patron safety and neighbouring premises and occupants safety.**

**(b) The premises user is reminded that a fire risk assessment is to be completed or should be in place. Failure to do so may lead to the Fire Authority prohibiting use of the premises under their separate powers**

**(c) The freeholder or leaseholder of the premises (where relevant) should have given their permission for the use of the premises for the temporary event**

**(d) When the Police have made an objection based on crime and disorder and a Licensing Sub-Committee uphold the objection at a hearing, a counter notice will be issued.**

### **31. Licensing hours policy requirements**

31.1 The Council is mindful of the fact that Hackney is very densely populated. It is therefore necessary to ensure that a careful approach to licensing hours is taken. There are few areas where loud music and high volumes of visitors late at night will not risk disturbance to residents. The Council will generally require that customers are encouraged not to be allowed to remain on the premises later than half an hour after the latest time for which activities are licensed to take place. Those making new or variation applications for longer hours should factor a suitable “drinking up” time for alcohol and “winding down” time for regulated entertainment, where applicable, into their operating hours.

31.2 The risk to local amenity from all food and entertainment venues increases when premises operate late at night. Where there is a concentration of licensed premises this too can increase the risk to the licensing objectives. Therefore, where relevant representations have been received, the Council, when granting a licence, may attach conditions or limit hours to control the potential for harm. The conditions will be proportionate to the activity to be controlled and the hours of operation and will only be imposed in the interests of the licensing objectives.

31.3 Licences may have conditions limiting the terminal hour of usage of an outside area that may differ to other parts of the premises, or have

conditions preventing drinks being taken to an outside area beyond the stated terminal hour. Equally, premises that have later licences may have restrictions upon the last entry or re-entry of customers. Given the smoking laws, licensees should be aware that these sorts of conditions may restrict smokers going outside for a cigarette during the later part of trading.

- 31.4 Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be the focus of disorder and/or in high crime areas and/or in designated areas where public drinking is prohibited or special policy is in place, applicants should be aware that the responsible authorities may consider making relevant representations for any increase in off-sales. In these cases, and depending on the nature of any representation received, a limitation on licensing hours may be appropriate.

#### **LP12 Licensing Hours**

**Where relevant representations have been made, the Council adopts the following principles.**

- (a) The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The licensing hours fixed will always reflect the individual merits of the application, the relevant representations received and the requirement to promote the licensing objectives.**
- (b) Earlier hours may be set if the individual circumstances require it. Later hours will be set where it can be demonstrated by the applicant that there would be no breach of the licensing objectives. In residential areas the Council will not normally grant licences with opening hours beyond midnight, unless the applicant can demonstrate that operating hours beyond this will not cause undue disturbance to local residents.**
- (c) The Council would expect premises wishing to trade for longer hours to site themselves in places where they will not create disturbances to residential accommodation, and will take a stricter approach to licensing hours in residential areas.**
- (d) The Council may impose conditions limiting the hours of usage of an outside area or preventing drinks being taken to the outside area beyond the stated terminal hour.**

## **32. The Council's special policies on cumulative impact**

- 32.1 In parts of Hackney, the growth, type and density of licensed premises is such that it causes problems of public nuisance and crime and disorder not only in the vicinity of these premises but also some distance away. In 2005 the Council introduced a Cumulative Impact Policy referred to as a Special Policy Area (SPA) in Shoreditch. This created a rebuttable presumption to refuse new and variation applications, unless the applicant can satisfactorily demonstrate that they will not be adding to the cumulative impact and problems already being experienced in the area.
- 32.2 The Council has monitored the Shoreditch SPA and the immediate area beyond it since 2004. The Council considered data provided by responsible authorities and partner agencies, and commissioned an ambient noise study for the area. This has provided an evidence based study to inform policy development along with the Guidance and opinions from responsible authorities and other persons expressed during the review. The key findings of the studies are set out in Appendix C.
- 32.3 The Council has been mindful of the Borough's ambitions for its night-time and leisure industries ensuring that Hackney provides a carefully managed yet diverse, inclusive, vibrant and dynamic offer, where local people and visitors choose to shop and spend leisure time, and ensuring that its centres remain attractive places to do business and invest in. It is also aware of the Council's planning policies to encourage a managed expansion of Hackney's diverse evening and night-time economy in Hackney Central (district centre), Stoke Newington High Street (district centre), Broadway Market, Dalston (major town centre) and South Shoreditch (outside the Special Policy Area), taking account of its impact on local residential amenity, community safety and transport in these areas.
- 32.4 It is also aware of the extent of ongoing and expected changes and developments that will influence these areas. The 2012 Olympic and Paralympic Games was a catalyst for improving the Borough as the global spotlight turns to Hackney and East London. The Games offer unrivalled opportunities for sport, culture and tourism, and will help move London's centre of gravity eastwards. This was bolstered by the extension of the East London Line to Dalston, with new stations at Dalston Junction, Haggerston, Hoxton and Shoreditch High Street and the improvements to the North London Line, giving a huge boost to regeneration and connectivity to the City and South East London. These developments have provided the impetus for change along this section of the A10 corridor with housing, retail and leisure development, particularly around the stations.

- 32.5 Dalston Junction Station creates opportunities to increase the density of employment within the area and attract new businesses and investment. This along with the East London Line Extension creates a development corridor along the A10 with London-wide access, already anticipated by clusters of development along Kingsland Road. The impact on Hackney's night-time and leisure industry along this stretch is also apparent given that there is a market led northward expansion of creative and hotel uses from Shoreditch along the A10 corridor to Dalston.
- 32.6 The level of investment and regeneration in these areas will not only create excellent opportunities for Hackney but with expected increases in footfall as more people access this part of the Borough more easily, drawn to the area to shop, live and/or socialise, this will potentially exacerbate the negative impact of the growing night-time economy reflected by resident concerns and concerns about crime and disorder and public nuisance linked to clusters of licensed premises.
- 32.7 The Council will keep any SPA under review.

### **33. Special Policy Areas**

- 33.1 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. This is a proper matter for a licensing authority to consider in developing the Policy.
- 33.2 Guidance sets out the steps to be followed when considering whether to adopt a special policy. These include:
- Identifying concern about crime and disorder or public nuisance
  - Considering whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
  - Identifying the boundaries of the area where problems are occurring
  - Consulting with residents, businesses and responsible authorities
  - Publishing details of any special policy within the Policy, following consultation.
- 33.3 Shoreditch and Dalston have a dense and growing concentration of pubs, late night clubs, bars, off-licences, late night food outlets and restaurants. Evidence collated by the Council shows that this and the volumes of people attracted to the area continue to have an impact on those living there and on emergency and regulatory services. The



Council and responsible authorities continue to be concerned that the cumulative impact in these two areas are undermining the promotion of the licensing objectives, resulting in incidences of nuisance and crime and disorder. It is for this reason that the two special policy areas seek to secure a high quality night-time and leisure offer which will not add to the cumulative impact experienced by those that live in the area and those that respond to and regulate it.

- 33.4 The Council, with the intention of carefully managing the growth and quality of offer of licensed premises in these areas concluded that notwithstanding the Shoreditch special policy area, the Dalston special policy area should be introduced as set out in Appendix B. These will be referred to as the “Shoreditch SPA” and “Dalston SPA” respectively. The key findings for the Shoreditch and Dalston SPAs are set out within Appendix C below.
- 33.5 Through the Shoreditch and Dalston SPA the Council aims to manage the negative cumulative impact of the concentration of licensed premises in the area and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact. With this in mind the Council encourages best practice in operational management through self-regulation and will also expect a significantly higher standard of operation compared to premises outside of this area.
- 33.6 Whilst it is recognised that many licensees have made efforts to reduce the impact that their businesses have on the environment and quality of life in the area and that extra public resources have been focused here since 2005, the Council and Police still receive complaints about crime and disorder and public nuisance.
- 33.7 It should be noted that the presumption to refuse is not absolute and will apply only where relevant representations are made by one or more of the responsible authorities and/or other persons. If no representations are made, the Council will grant the application in accordance with the Act.
- 33.8 Where representations have been made within the Shoreditch SPA the onus is on applicants to adequately rebut the presumption. In doing this, applicants may wish to address the following in their applications:
- The promotion of the licensing objectives
  - Consideration of the relevant LP’s
  - Genuinely exceptional circumstances
  - Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups, accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives)

- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues – see examples at Appendix D)

Where representations have been made within the Dalston SPA the criteria as set-out in LP14 will apply. This enables a balance to be struck between the vibrant economy in the area whilst looking to mitigate the impacts that such activities, if uncontrolled, can have on the lives of residents. References to the Management Strategy may assist with demonstrating the steps and measures that the operators will need to put in place to ensure that, if granted, they will not contribute to the existing problems in the area. Examples of this are outlined in the bullet points above.

- 33.9 Off-licences add to the cumulative impact being experienced within the area and given Police concerns around this, the special policy applies to them also. Examples include where the Police and/or other persons have concerns of ‘pre-loading’ as explained at paragraph 25.7 and street drinking caused by off-licences servicing those that attend on-licensed premises. This can often lead to an extension of the night-time economy which supports and exacerbates the negative impact that already exists in the area. These concerns relate to off-sales prior to, during and after the hours of on-licensed premises. In such circumstances the operator will need to demonstrate why the application will not add to the cumulative impact in the area. To this extent this would be a departure from the Guidance which, given the concerns of the Police, is justifiable in the Council’s view.

**LP13 Special Policy Area – Shoreditch**

**It is the Council’s policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied.**

**The Council expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to:**

- **The quality and track record of the management**
- **The good character of the applicant**
- **The extent of any variation sought.**

**LP14 Special Policy Area – Dalston**

**All new or variation applications within the Dalston SPA will have to show:**

- High standards of management, (an example would include a Management Strategy - see paragraph 33.8)
- The quality and track record of the management
- The good character of the applicant

Notwithstanding the above, where a relevant representation is made the policy will be to refuse any new or variation application which seeks to:

- Increase the capacity of an existing premises,
- Extend the hours of operation of an existing premises, or
- Permit any activity/use not identified or allowed for in the table below or,
- Permit any activity/use where there is a genuine concern that the proposal will have a negative impact in the area. For example this may include premises that have a large capacity or are mainly outdoors.

The policy is directed at the concentration of persons in the area and particularly those who have been drinking late at night. Therefore any application will need to demonstrate that it does not add to the issues of cumulative impact in the Dalston area.

[✓ = yes \* = no]

	Sun-Thurs Up to 23.00	Sun-Thurs Up to midnight	Fri& Sat Up to 23.00	Fri& Sat Up to midnight	Mon – Sun Post midnight
Restaurant (with alcohol)	✓	*	✓	✓	*
Restaurant (without alcohol)	n/a	*	✓	✓	*
Takeaways	n/a	*	n/a	*	*
Pubs and Bars	✓	*	✓	✓	*
Nightclubs	*	*	*	*	*
Off Licences	✓	*	✓	*	*
Theatres	✓	✓	✓	✓	*
Cinemas	✓	✓	✓	✓	*
Combined Uses	✓	✓	✓	✓	*
Qualifying Clubs	✓	✓	✓	✓	*

### **34. Cumulative Impact – General and other mechanisms for controlling cumulative impact**

34.1 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.

#### **LP15 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.**

34.2 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The Council has a breadth of strategies and mechanisms both within and outside the licensing regime available for addressing such issues, examples of which are set out in paragraphs 6 - 9. Other examples include:

#### **Other measures to control cumulative impact**

- Planning controls (refer to paragraphs 6.4 – 6.6)
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority. Such measures include the town centre management schemes being piloted in Shoreditch, Hackney Central and Dalston
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Council powers to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
- Other local initiatives that similarly address these problems for example the effective partnership working currently existing between responsible authorities, joint enforcement activities and the innovative communications campaigns to encourage revellers and other users of the night-time economy to be mindful of the impact they are having on noise nuisance and disorder.

## Operational Aspects

### 35. Decision making and delegation

- 35.1 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost-effective determination of licensing applications.
- 35.2 To ensure the licensing objectives are met, the Council has arranged for its licensing functions to be discharged in accordance with the Act and Guidance issued by the Secretary of State (a summary of the Council's delegated functions are attached as Appendix E) and was updated and approved at the Licensing Committee on the 18 June 2012. The Licensing Committee also approved the delegation of any addition, amendment or modification to the licensing functions where a hearing is required under the Act to a Licensing Sub-Committee, unless the Licensing Committee expressly reserve any such function to itself.
- 35.3 Where a function is delegated to an officer they will be responsible for liaising between the applicant, other persons and the responsible authorities to ensure that any licence granted promotes the licensing objectives and is subject to any appropriate conditions. Where relevant representations are made the licensing officer will liaise with all parties, as appropriate, to see whether the differences can be resolved without the need for the matter to go before a Licensing Sub-Committee.
- 35.4 The Licensing Sub-Committee will try to keep the proceedings as informal as possible. However, some degree of formal process is needed to ensure that all parties receive a fair hearing. The different types of hearing procedures are designed to ensure that all parties are able to express their views openly and fairly. Applicants, other persons and responsible authorities are entitled to bring legal representation with them if they wish, although this is not a requirement.
- 35.5 The Licensing Sub-Committee meets in public. Very occasionally, this Committee may hear a case in private and exclude members of the

public and the press to hear these matters. It will usually retire to reach its decision in private. A public announcement of the decision is normally made at the end of the hearing.

- 35.6 The Licensing Sub-Committee will determine each case before it on its individual merits whilst taking into consideration the Act, the Policy, the Guidance and any evidence presented by the parties concerned in support of their cases. The Licensing Sub-Committee will have due regard to the history of the premises and its operation with regards to complaints and breaches of existing licences where these have had or have the potential to have a direct or indirect impact on the licensing objectives.

### **36. Reports to Licensing Committee**

- 36.1 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee will also receive reports for information on a range of issues to ensure they have the up-to-date position on relevant matters, such as tourism, transport, crime and disorder.
- 36.2 To ensure proper integration, the Licensing Committee will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in an area, including the general impact of alcohol-related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

### **37. Conditions of licence**

- 37.1 The Act requires certain mandatory conditions to be attached to licences. These are set out at Appendix A. The mandatory conditions introduced under Section 19a of the Act will override any pre-existing conditions and do not have to be physically included on licences authorising the sale of alcohol for consumption on the premises.
- 37.2 The Council must be satisfied of the necessity to impose conditions, other than those volunteered under the operating schedule or by mandatory conditions. The Council does not implement standard conditions but will, where appropriate given the promotion of the licensing objectives and the circumstances of the individual case, impose individual and tailored conditions on the premises that are reasonable, proportionate, and yet not over-burdensome, but robust enough to achieve the licensing objectives. These will be related only to those matters under the direct control of the licence holder.
- 37.3 The Council will as far as possible avoid the attachment of conditions that duplicate other regulatory regimes.

- 37.4 Licensees, responsible authorities and the Licensing Authority when considering applications should refer to Appendix D which sets out a pool of conditions which may be adopted having regard to the licensing objectives.
- 37.5 Failure to comply with conditions attached to a licence or certificate is a criminal offence. On conviction, this could be punishable by a fine of up to £20,000 and/or up to six months imprisonment.

### **38. Review of licence**

- 38.1 The Council or any of the responsible authorities, may, if appropriate, give licence holders early warning of any concerns about the premises in question, and identify the need for improvement. 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. When doing this, applicants will no doubt consider the LPs and whether the premises is located within a SPA.
- 38.2 A review can be applied for at any stage following the grant of a premises licence or club premises certificate. In every review case, an evidential basis for the allegations made will need to be submitted to the Council. 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 (see below).
- 38.3 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, or
  - b) Any formal enforcement action by the Council.
- 38.4 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.

### **39. Licensing policy review**

- 39.1 The Act currently requires that the Council carry out a statutory review of its statement of licensing policy, including any special policies, every 5 years. During the five-year period the Council may make revisions to the Policy as it considers appropriate.

# Glossary

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These definitions are to assist in understanding the Policy and so are not legal definitions. Reference should be made to the Act, the Guidance, and any regulations issued by the Secretary of State for any legal information.

**Alcohol** – includes beer, wine, cider, spirits or other fermented, distilled or spirituous liquor of or exceeding 0.5% strength.

**Audience** – this can be a group or an individual member of the public.

**Authorised Officers** – those employees of the Council authorised by the Council.

**Club Premises Certificate** – provides authorisation for qualifying clubs to use club premises for qualifying club activities (see Qualifying Clubs below).

**Cumulative Impact** – the potential impact a significant number of licensed premises, concentrated in one area, has on the promotion of the licensing objectives. This is a proper matter for a licensing authority to consider in developing the Policy

**Designated Premises Supervisor** – The person named on the Premises Licence as having day-to-day responsibility for running the premises (this can include the Premises Licence holder). Every designated premises supervisor must have a personal licence. (See Council's guidance notes for further details)

**DJs** – This includes the making of music or the playing of pre-recorded music to an audience involving the deliberate selection and changing of songs whether to create a continuous stream of music or not. An element of skill, judgement and performance may be employed in carrying this out. As part of this entertainment, compering and voice-overs may also take place. The provision of DJs is likely to require permission for regulated entertainment.

**Enforcement** – the police are key enforcers of licensing law. However, the Council enforcement officers also have an enforcement role. The Guidance has no binding effect on police officers who, within the terms of their force orders and the law, remain operationally independent

**Entertainment includes:**

- The performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment



- A performance of live music
- Any playing of recorded music
- A dance performance

where the entertainment takes place in the presence of an audience and is provided at least partly to entertain that audience.

It does **not** include entertainment involving:

- Films as part of exhibitions in museums galleries etc
- Music incidental to something other than regulated entertainment
- TV and radio broadcasts
- Religious meetings or services
- Places of public worship
- Garden fetes unless for private gain
- Vehicles in motion

**Guidance issued under section 182 of the Licensing Act 2003** – this represents the guidance to licensing authorities on the discharge of their functions. The Act states that the Secretary of State must issue this and may from time to time revise this. Licensing authorities must have regard to this Guidance when carrying out their functions under the Act.

**Incidental music** – live or recorded music incidental to another activity which is not itself entertainment or the provision of entertainment facilities. Whether such music is incidental or not will be considered on a case-by-case basis. Factors in assessing this include the following:

- Against a background of other activities taking place, will the additional music create the potential to undermine the four licensing objectives?
- Is the music the main or one of the main reasons for people attending the premises?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities or could it be described as “background” music?

Factors not normally considered relevant are:

- Numbers of musicians
- Whether the musicians are paid
- Whether the performance is prearranged
- Whether there is a charge for admission

The exemption of incidental music will generally not apply to DJs playing pre-recorded music to an audience.

**Late night Refreshment** - Provision of hot food or drink between the hours of 11pm and 5am. This includes food or drink heated on the premises. An example would be the use of a microwave oven.

**Licence Review** - Responsible authorities and other persons have the power to apply for a review by the licensing authority of existing licences on grounds relating to the promotion of the licensing objectives. Such a review can result in the modification of the licence, its suspension or revocation.

**Licensed Activities:**

- The sale by retail of alcohol in any quantity, whether in small quantities to customers or by wholesale
- The supply of alcohol in relation to clubs and their members or guests
- The provision of regulated entertainment to an audience
- The provision of hot drink or food between 11pm and 5am

**Licensing Authority** – for the purpose of the Licensing Act 2003 this is the Council.

**Licensing Committee** – a committee of 10 to 15 councillors, appointed by the Council.

**Licensing Objectives:**

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

**Licensing Sub-Committee(s)** – one or more committees of at least two members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act.

**Operating Schedule** – This, essentially, is the applicant's completed application form and is a crucial document setting out the applicant's risk assessment for the operation of the licensed business. Licence conditions will emerge from this and therefore operating schedules should be subject to discussions with the responsible authorities.

**Personal Licence** – permits individuals to supply or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premises to another, allowing greater flexibility. It ended the outdated regime where publicans were tied by licence to the premises where they work. An individual will not require a personal licence for other licensable activities, or for the supply of alcohol under a club premises certificate or temporary event notice.

**Premises Licence** – authorises the holder of the licence to use the premises for specified licensable activities. The premises licence will also include details of operating conditions. No annual renewal is required as

these licences will be valid for the life of the premises, subject to any review.

**Qualifying Clubs** – To be classified as a qualifying club in relation to a qualifying club activity, a number of general conditions must be met. These are that:

- under the rules of the club, persons may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission
- under the rules of the club, those becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission
- the club is established and conducted in good faith as a club
- the club has at least 25 members
- alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

To qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met. These are:

- The purchase and supply of alcohol by and for the club is managed by a committee made up of elected members of the club all aged over 18 years;
- No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club;
- No arrangements may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the club as a whole.

**Regulated Entertainment** – is entertainment that is:

- Provided to the public or
- Provided exclusively to members of a qualifying club and their guests, or
- Provided for profit/personal gain

See also “Entertainment” definition in this section.

**Representations** – considered to be relevant are those that address the likely effect of the application on the promotion of the four licensing objectives. If the representation is made by another person, it will not be relevant if the Licensing Authority considers it to be repetitious, vexatious or frivolous.

**Responsible Authorities** – refer to the Definitions section on page 8

**Special Policy Area** – Where a high concentration of licensed premises has been identified as causing a negative impact on the licensing objectives in an area. The Council may consider the refusal of any application and/or additional measures to address any such concerns. Special policies apply in Shoreditch and Dalston.

**Variation** – a change to a premises licence, including an increase in the capacity of the premises, a change in the hours of operation of the premises or one or more of the licensable activities, a change to the way the premises is to operate in regard to the operating schedule (e.g. a change in the type of activity), or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence, or a variation application to specify a new individual as the designated premises supervisor.

**Vicinity** – the vicinity is to be judged on the facts of every case, including the locality and the nature and style of the operation and its clientele.

# Appendix A

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## Mandatory Conditions

### Premises Licences

#### **Section 19 - Mandatory conditions where a licence authorises the supply of alcohol**

Where a premises licence authorises the supply of alcohol, the licence must include the following two conditions:

- (1) The first condition is that 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, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- (2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **Mandatory conditions where a licence authorises the supply of alcohol for consumption on the premises, as introduced by Section 19a**

- (3) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (4) The responsible person shall ensure that no alcohol is dispensed 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).
- (5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of 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 a holographic mark.

- (7) 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–
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

### **Minimum Drinks Pricing**

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.
2. For the purposes of the condition set out in paragraph 1 –

(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.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.
  - 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

## **Section 20 - Mandatory condition: exhibition of films**

- (1) Where a premises licence authorises the exhibition of films the licence 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 licence, 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 licence, or
  - (b) the relevant licensing authority has notified the holder of the licence 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).

## **Section 21 - 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**

### **Section 73 - 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.

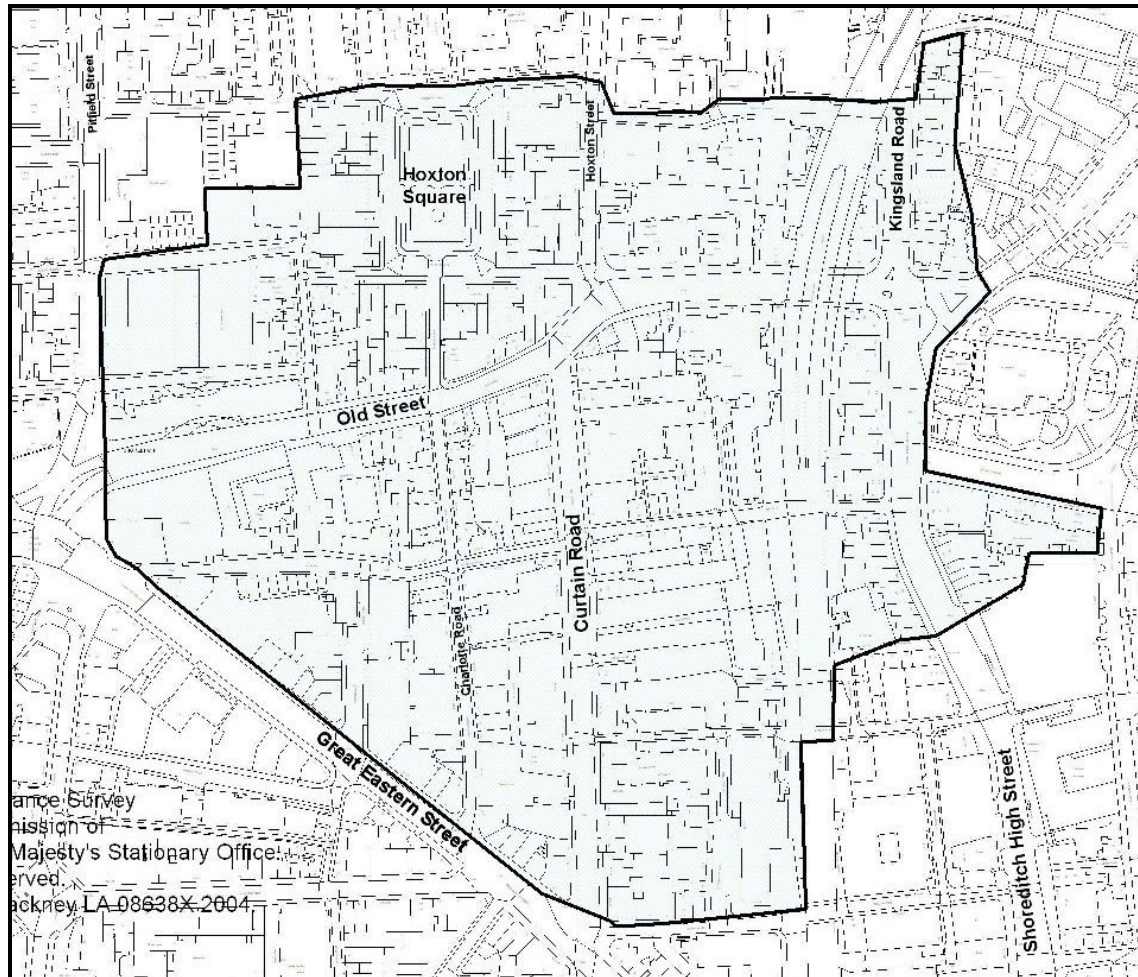
#### **Section 74 - Mandatory condition: exhibition of films**

- (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).

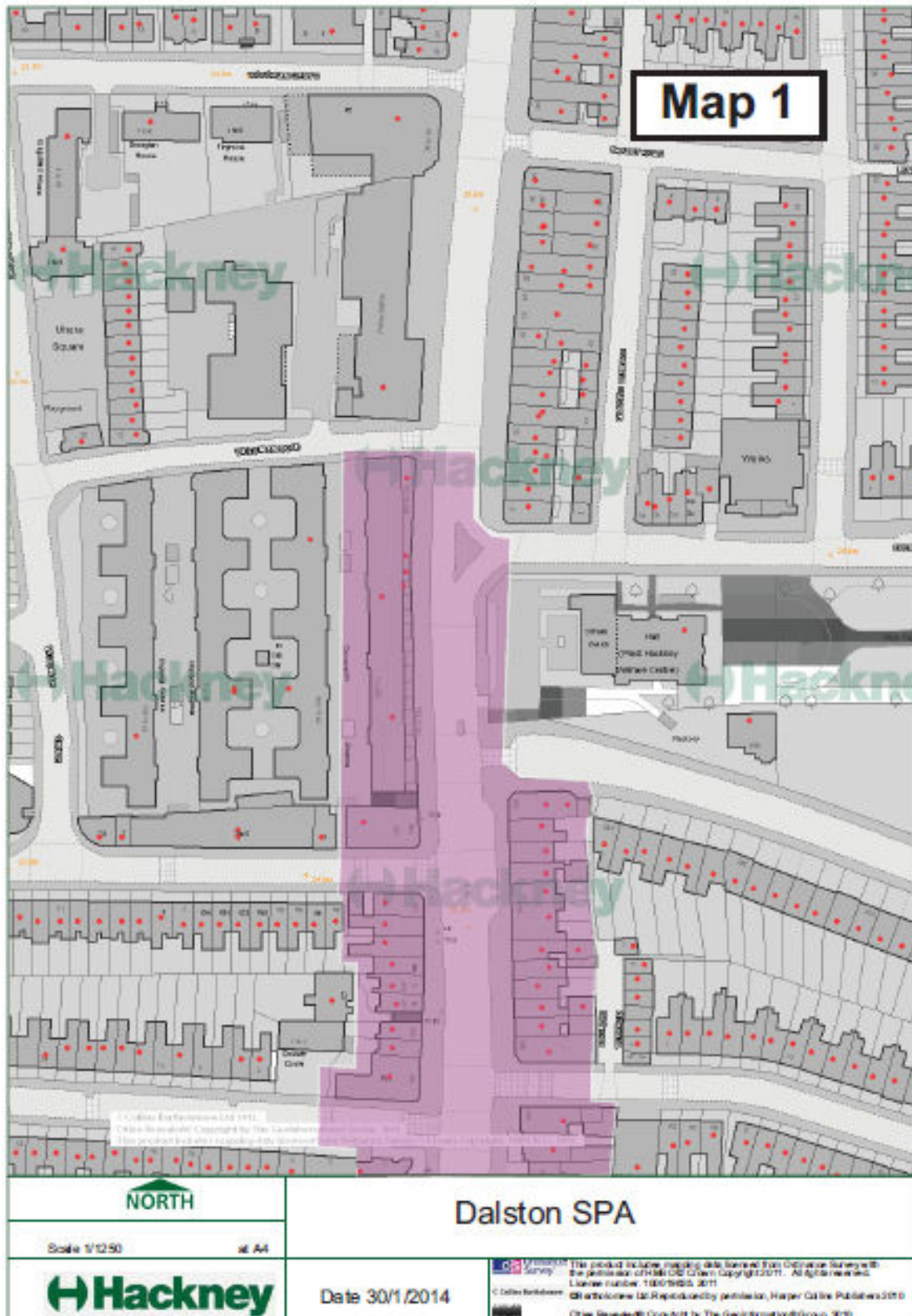
# Appendix B

## Special Policy Areas

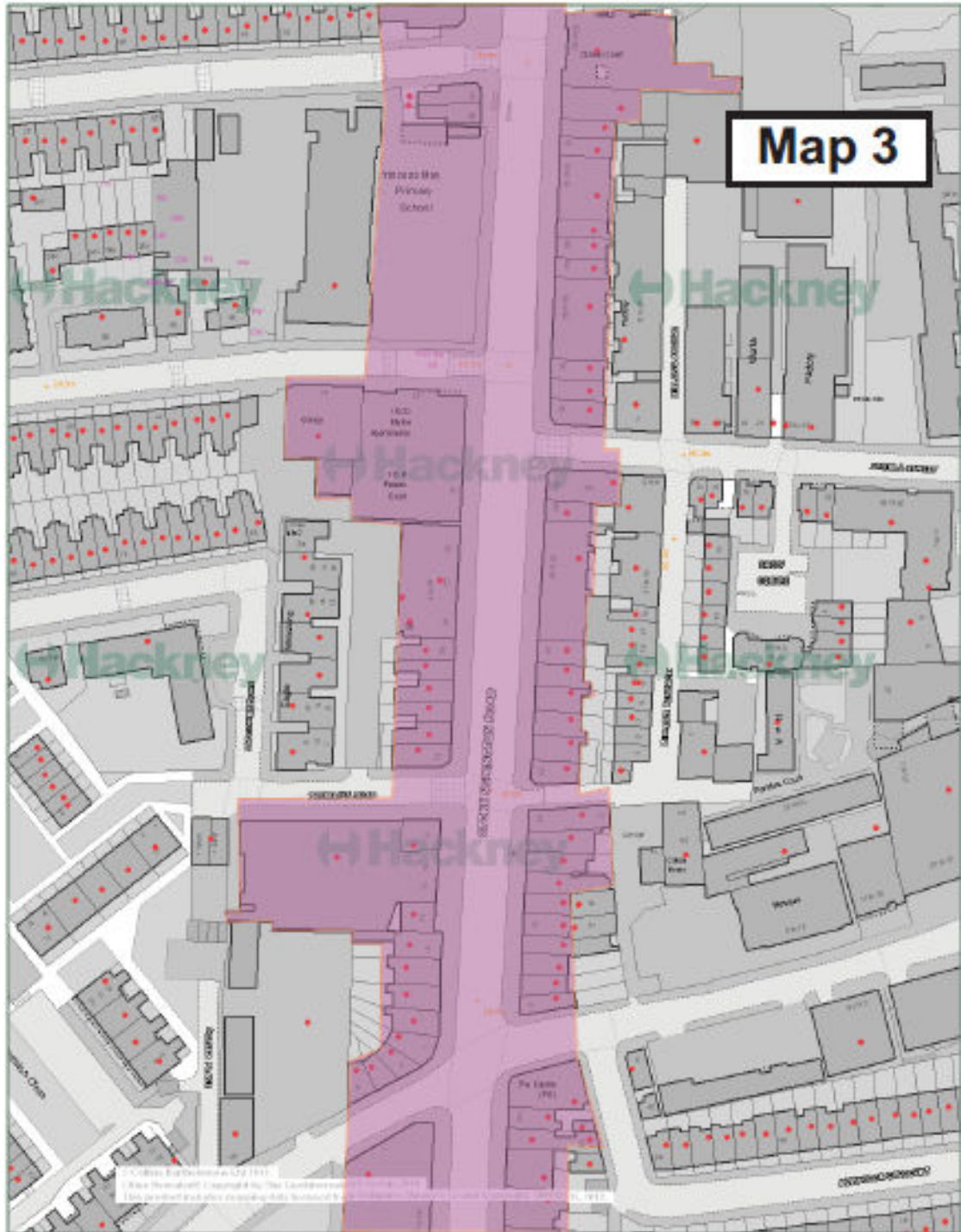
### Shoreditch



# Dalston

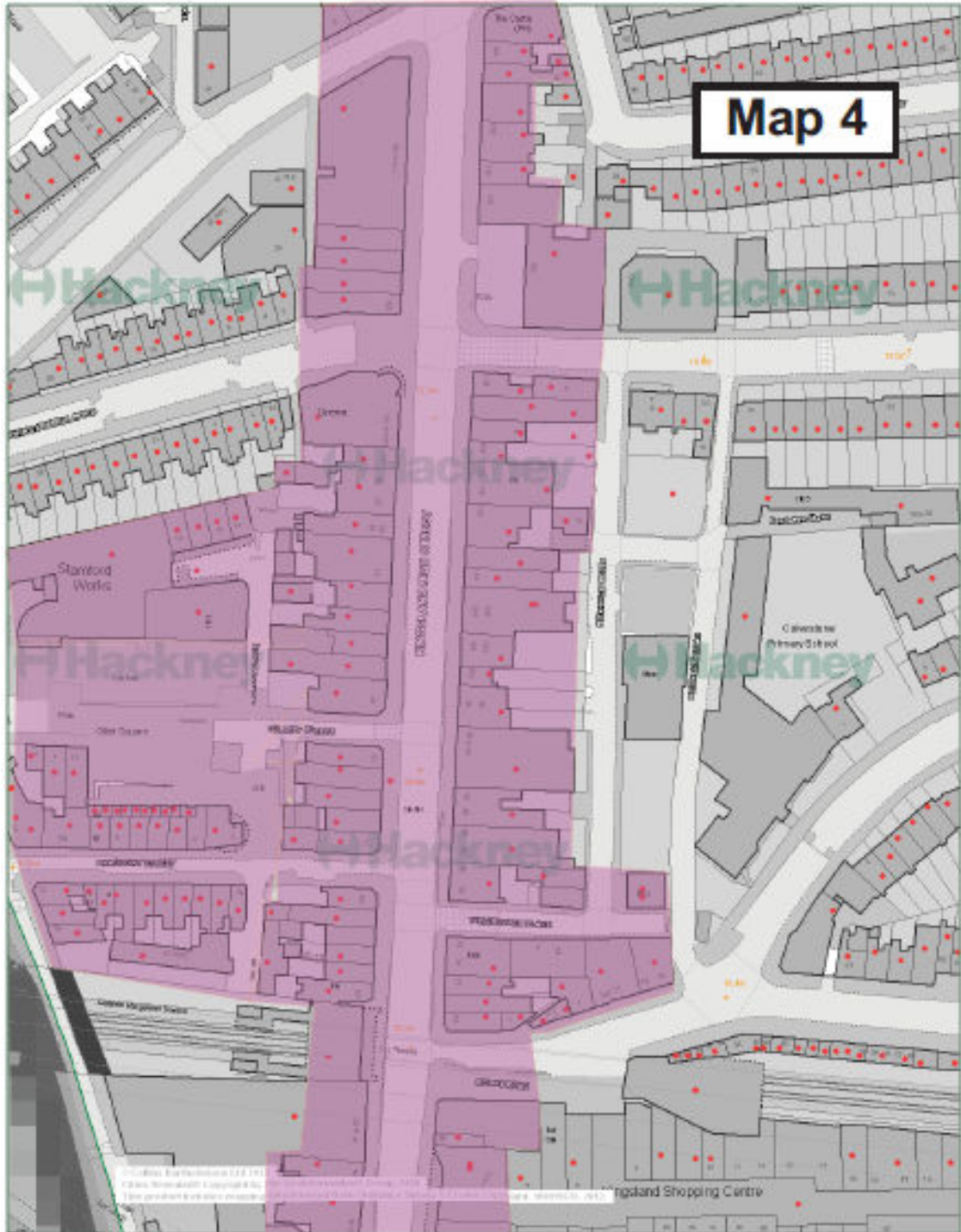






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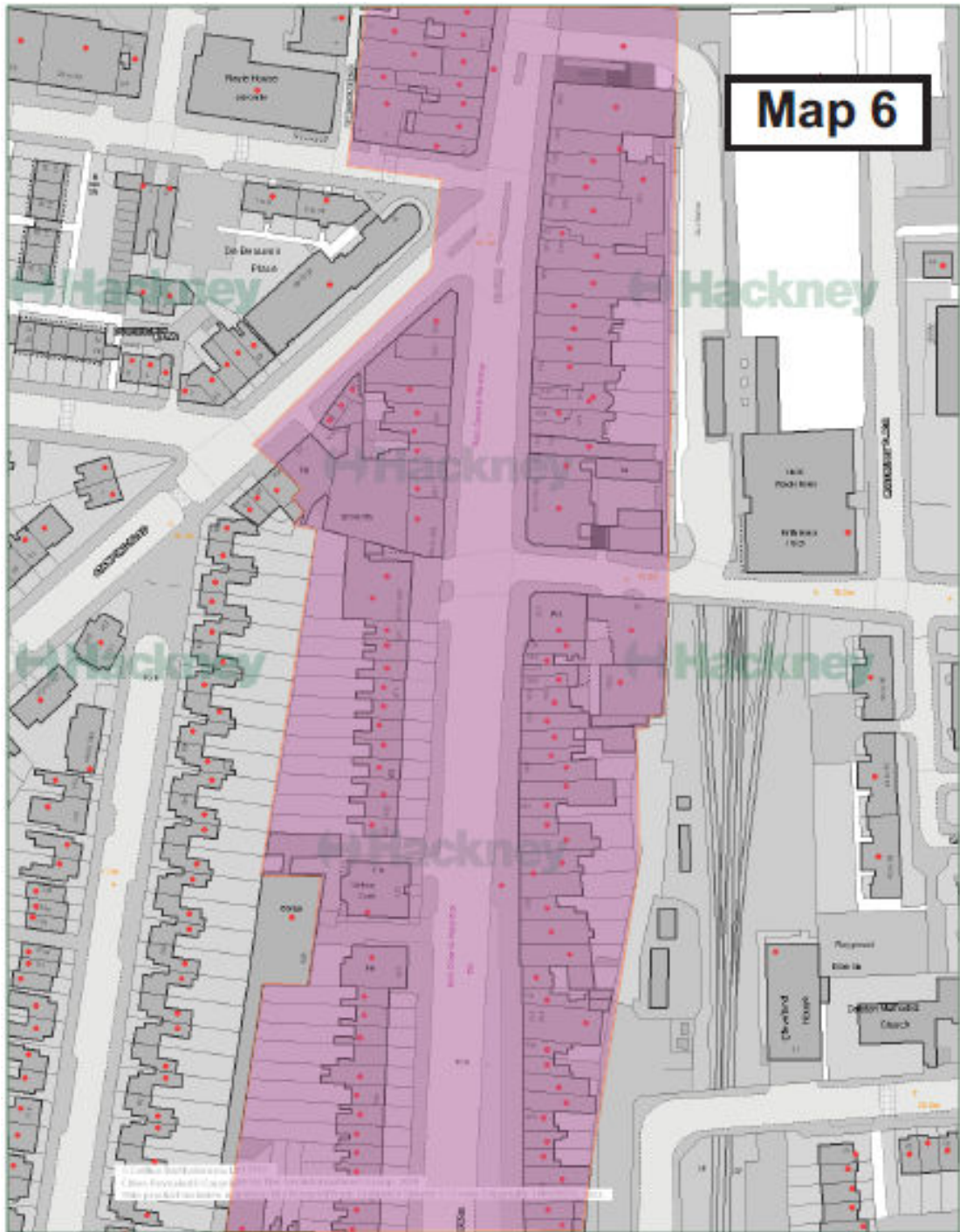
 <b>NORTH</b>	<h2>Dalston SPA</h2>	
Scale 1/1250	A4	
		Date 30/1/2014
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**Map 4**

 <b>NORTH</b>	<h2>Dalston SPA</h2>	
Scale 1/1250 <span style="float: right;">A4</span>		
	Date 30/1/2014	<small>         This product includes mapping data sourced from Ordnance Survey with the permission of HM Land Registry. All rights reserved.          License number: 100079653, 2011          © Ordnance Survey. Reproduced by permission, HarperCollins Publishers 2010          © The Ordnance Survey Group 2010       </small>





**Map 6**

 <b>NORTH</b>	<h2>Dalston SPA</h2>	
Scale 1/1250 at A4		
	Date 30/1/2014	<small>         This product includes mapping data derived from Ordnance Survey with the permission of HM Land Registry. All rights reserved. License number: 100054005. 2011          © Ordnance Survey. Reproduced by permission, HarperCollins Publishers 2010          City Revealed® Copyright by The GeoInformationGroup, 2010       </small>





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**NORTH**

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Scale 1/1250 at A4

**Hackney**

## Dalston SPA

Date 30/1/2014

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# Appendix C

## SHOREDITCH SPA: SOME KEY FINDINGS

1. The Shoreditch SPA covers 0.68% of the Borough's area and holds 84 licensed premises (9% of the Borough's licensed premises).
2. The area was shown to consistently account for over 25.7% of the Borough's alcohol-flagged offending.
3. The busiest time period for offending was between 2100-0300 hours. The peak days were Friday and Saturday late evening until the early hours of the next morning. Friday night 2100hrs until Saturday morning 0300hrs was the busiest period for offending, followed by Saturday night 2100hrs until Sunday morning 0300hrs. During the week, Thursday night 2100hrs until Friday morning 0300hrs featured as a busier period for offending.
4. Despite the increase borough-wide in alcohol-flagged offences over the last 3 years, within the proposed SPA area over the last year there has been a significant reduction in alcohol-flagged crime, both in the number of offences and in the proportion of offences borough-wide.
5. There has been an increase in the numbers of licensed premises in this area.
6. The 2010 Ambient Noise Study identified that night-time noise levels continue to be high, primarily as a result of road traffic and the large numbers of people frequenting the pubs, bars and clubs in the area.
7. The Noise Study compared results against previous studies and found that the number of maximum levels exceeding the assessment criterion is slightly increased on previous years,
8. When comparing measured results with criteria derived from various national and international standards and guidance documents regarding noise disturbance and living conditions, the noise measurements remain above the recommended levels.

## DALSTON SPA: SOME KEY FINDINGS

1. There has been a significant increase in the number of licences granted since 2009.
2. Licensing complaints have risen significantly since 2010.
3. Theft and Handling allegations increased by 94% between 2009 and 2012.
4. The number of alcohol related ambulance call outs in the proposed SPA increased by 55% between 2009 and 2012.

5. Waste services report continued pressures in Dalston along with Shoreditch.
6. After Haggerston, the Dalston ward is the second highest ward for noise complaints relating to the night time economy.
7. Frequent incidences of anti-social behaviour reported by both the police and the Warden Service.

# Appendix D

## Pool of Conditions

Applicants, responsible authorities and licensing authorities (following the receipt of relevant representations) should consider whether the measures set out below are appropriate to promote the licensing objectives.

Applicants within the SPA will, where appropriate, be encouraged to comply with relevant measures set out below given the concerns around the potential negative cumulative impact in the area on the licensing objectives.

Where existing legislation does not provide adequately for the promotion of the licensing objectives the conditions below may be applied.

However, any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- 1 The nature and style of the venue;
- 2 The activities being conducted there;
- 3 The location; and
- 4 The anticipated clientele.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as steps they intend to take to promote the licensing objectives. Where these measures are then incorporated into the licence or certificate as conditions they become enforceable under the law and any breach could give rise to prosecution.

Club premises operate under codes of discipline to ensure the good order and behaviour of members so that conditions enforcing offences under the Act are unnecessary.

These measures are set out under the licensing objectives they will typically be promoting. These are not standard conditions to be automatically imposed in all cases, nor are they an exhaustive list. They merely seek to assist applicants, responsible authorities and licensing authorities when considering applications. These may be amended and tailored where relevant. For further conditions, the Guidance sets out a pool of conditions for consideration.

## Prevention of Crime and Disorder

1. The Licence Holder is to take part in the Council and Police text/radio scheme (for example, Shoreditch Night Owl Watch). Where participation takes place, the Licence Holder is to ensure:
  - a) The text/radio equipment is to be kept in working order at all times;
  - b) The equipment link is activated, made available to and monitored by the Designated Premises Supervisor (DPS) or a responsible member of staff at all times that the premises are open to the public;
  - c) Any police instructions/directions are complied with whenever given and
  - d) All instances of crime or disorder are reported via the text/radio pager link by the DPS or a responsible member of staff to an agreed police contact point.
2. Registered Security Industry Authority Door Supervisors and/or Security Teams are to be employed at the premises at [give times/hours/days].
3. A written security policy is to be made available at all time on the premises. This is to identify requirements such as:
  - a) The minimum number of supervisors
  - b) The displaying of name badges
  - c) The carrying of proof of registration
  - d) The hours of operation and location of door staff
  - e) Whether at least one female supervisor should be available
4. No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar.
5. No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.
6. Alcohol cannot be sold in open containers to be taken from the premises and cannot be opened and consumed directly outside the premises.
7. CCTV cameras are to be installed and maintained in operation on the premises to the satisfaction of the Police.
8. CCTV recorded footage is to be retained at the premises for no less than 31 days from the day it was recorded and is to be made available to the Police or local authority upon request.
9. Alcoholic drinks are not to be consumed in a set area.

10. A capacity limit of [insert number of patrons] is not to be exceeded at any time during the operation of the premises.
11. The Designated Premises Supervisor or Licence Holder is to be aware of the number of patrons on the premises and is to inform any authorised officer of these numbers on request.
12. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under the age of 21. Such evidence may include a driving licence or passport.
13. Appropriate signage must be prominently displayed and maintained to the satisfaction of the police warning and advising customers of the prevalence of crime that may target them and the contact details of the Designated Premises Supervisors if customers wish to report any incidents.
14. Appropriate signage must be displayed and maintained outside the premises indicating the hours of operation of the premises.
15. The Licence Holder must undertake a CIMOS assessment to the satisfaction of the police.
16. The Licence Holder must participate in the accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives.
17. The licensee shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service not less than 14 days before the event is due to take place.
18. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this\* to the Metropolitan Police within 3 days of the conclusion of the event.

\*submission of electronic documents by e-mail is preferred.

### **Public Safety**

19. Safety checks are to be carried out before the admission of the public.
20. Safety checks are to be recorded in a Log Book held on the premises.
21. Exits to the premises are to be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.

22. Where chairs and tables are provided internal gangways are to be kept unobstructed.
23. All exit doors are to be easy to open without the use of a key, card, code or similar means.
24. Doors at exits are to be regularly checked to ensure that they function satisfactorily to the Licence Holder and a record is to be kept of the check.
25. Any removable security fastenings are to be removed when the premises is open to the public or occupied by staff.
26. The edge of the threads of steps and stairways are to be maintained so as to be conspicuous.
27. Adequate arrangements are to be in place for disabled people to allow their safe evacuation in the event of an emergency.
28. Signage is to be maintained and displayed prominently on the premises to advise patrons of the evacuation arrangements for disabled customers.
29. The lighting in any area accessible to the public, members and guests shall be fully operational when they are present.
30. Emergency lighting is not to be altered.
31. Emergency lighting batteries are to be fully charged before admission of the public.
32. In the event of normal lighting failing:
  - a. Where the emergency lighting battery lasts for one hour, arrangements are to be in place to ensure that the public leave the premise within 20 minutes unless normal lighting is restored by then.
  - b. Where the emergency lighting battery lasts for 3 hours the appropriate period by the end of which the public should leave the premises is 1 hour.
33. Curtains are to be hung and temporary decorations are to be arranged at the premises so as not to obstruct the exits, to the satisfaction of the licensing authority.
34. Access for emergency vehicles is to be kept clear and free from obstruction.

35. Adequate and appropriate first aid equipment and materials are to be made available at the premises at all times.
36. At least one trained first aider shall be on duty when the premises are in operation.
37. Temporary electrical wiring and distribution systems are not to be provided without notification to the licensing authority at least 10 days before commencement of the work and/or prior inspection by suitable qualified electrician.
38. Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7672 or BS 7909 and be installed or inspected and certified by a competent person.
39. The premises shall not be used for the provision of regulated entertainment until the Council's building control department have confirmed in writing that the premises are technically suitable for the intended use by application of the appropriate technical regulations.

### **Public Nuisance**

40. The Licence Holder will take the following steps, as agreed with the Pollution Team, to ensure that noise or vibrations do not emanate from the premises thus causing nuisance to nearby premises:
  - a) Keep doors and windows closed during the operation of the premises
  - b) Limit live music to a specified area of the premises
  - c) Move the location and direction of speakers away from external walls or those abutting private property
  - d) Install acoustic curtains
  - e) Fit rubber seals to doorways
  - f) Install a rubber speaker mount
  - g) Ensure music will not be audible above background level at the nearest noise sensitive premises
  - h) Monitor external noise levels regularly to ensure these are not excessive and take action where necessary
  - i) Add noise limiters on amplification equipment
41. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
42. Refuse, including bottles, is to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
43. Noxious smells are not to be permitted to cause a nuisance to nearby properties and the premises are to be properly ventilated.



44. The installation of sound limiting devices (device type to be approved by the Pollution Team) to all music systems. The limiting devices should be set to ensure inaudibility in all nearby residential premises and a certificate of compliance should be submitted to the Pollution Team. The device should be controlled by the Licensee and kept in a locked, tamper-proof box.
45. The noise limiter must be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur, and the methodology and copy of the calibration certificate must be submitted to the Pollution Team annually.
46. All doors and windows shall remain closed when regulated entertainment is taking place.
47. The front door with lobby shall be used when regulated entertainment is taking place and no other entrance.
48. Notices must be prominently displayed at the exits reminding patrons to depart in an orderly manner.
49. No external areas associated with the bar shall be used between 23:00hrs and 08:00hrs.
50. There should be no use of the outside area for the vertical consumption of alcohol and/or food beyond a certain hour.

#### **Protection of Children from Harm**

51. No children under the age of 18 are to be permitted any access on to the premises [at all times/ from specified times/ when certain activities are taking place].
52. Children are to be accompanied on the premises at [all times/ specified times/ when certain activities are taking place].
53. 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.

# Appendix E

## A summary of the delegation of Licensing Functions

<b>A.</b>	<b>The following powers and duties under the Licensing Act 2003 shall be delegated to the Licensing Sub-Committee in the circumstances set out below:</b>
1.	<p>To determine applications made to the Licensing Authority for:</p> <ul style="list-style-type: none"> <li>• a premises licence;</li> <li>• varying a premises licence;</li> <li>• a provisional statement;</li> <li>• varying a designated premises supervisor;</li> <li>• transferring a premises licence;</li> <li>• a review of a premises licence;</li> <li>• a summary review of a premises licence and the taking of any interim steps;</li> <li>• a club premises certificate;</li> <li>• varying a club premises certificate;</li> <li>• a review of a club premises certificate;</li> <li>• a personal licence;</li> <li>• a renewal of a personal licence;</li> </ul> <p>where relevant representations or Police objection have been made and not withdrawn and for review applications where hearings are necessary.</p>
2	<p>To consider a Police and/or Environmental Health (Pollution Team) objection made to the Licensing Authority concerning:</p> <ul style="list-style-type: none"> <li>• a standard temporary event notice;</li> </ul>
3.	<p>To consider a Police objection made to the Licensing Authority concerning:</p> <ul style="list-style-type: none"> <li>• an interim authority notice;</li> <li>• revocation of a personal licence where convictions have come to light after the grant or renewal of the licence;</li> </ul> <p>and decide whether to cancel an interim authority notice/give a counter notice/revoke the personal licence, as appropriate.</p>
4.	To determine whether a club is established and conducted in good faith.
5.	To give a notice to withdraw a Club Premises Certificate.
6.	To review a premises licence that is or has been the subject of a closure order following notification from the Magistrates' Court.
<b>B.</b>	<b>The powers and duties under the Licensing Act 2003 not listed in A above shall be delegated to the Corporate Director of Legal, HR and Regulatory Services.</b>

This document contains information about licensing in Hackney. Why not ask a friend to translate it for you? Or, if you would like a copy in your own language, put a tick in the box  write your name address and telephone number clearly at the bottom of the page and return it to the address below.

এই নথিতে লাইসেন্সিং সংক্রান্ত বিবরণ তথ্য রয়েছে। এটিকে অনুলিপি করে নিতে বেশ আশি আশকার এককল করুন কিংবা অন্য কা? অথবা, আপনি যদি এর কপি আশকার শিখের তাহার বেশ, তাহলে বাস্তবিত্বে একটি টিক্ মিশ , সপটে করে আশকার নাম, ঠিকানা ও টেলিফোন নম্বর এই পত্রের নীচে লিখুন এবং এটি নীচের ঠিকানার দ্বারা পঠান। (Bengali)

本文件載有有關海克尼發牌的資料。何不請朋友給你翻譯? 又或者, 若你想取得以你母語撰寫的版本, 請在空格 一劃, 在本頁底部清楚填寫你的姓名、地址和電話號碼, 然後寄交 以下 地址。 (Chinese)

Ce document contient des informations concernant la concession d'exploitations dans Hackney. Pourquoi ne pas demander à un ami de le traduire pour vous? Si vous souhaitez en obtenir un exemplaire dans votre langue maternelle, vous pouvez également cocher cette case , inscrire clairement vos nom, adresse et numéro de téléphone au bas de cette page et nous renvoyer cette dernière à l'adresse indiquée ci-dessous. (French)

આ લેખમાં હેકનીમાં લાઇસન્સિંગ સંબંધી વિષય માહિતી આપવામાં આવેલ છે. તમારા કોઈ મિત્રને તેનો અનુવાદ કરવા પૂછી શકો છો? અથવા, જો તમારે આ માહિતીની એક નકલ તમારી પોતાની ભાષામાં ખેંચવાની હોય તો આ  ખાલામાં ટિક્કુ મિલ કરો, તમારું નામ, સરનામું તથા તમારો ફોન નંબર આ ખાલામાં નીચે સ્પષ્ટ રીતે લખો અને તેને નીચે આપેલ સરનામે પરત મોકલો. (Gujarati)

ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚ ਹੈਕਨੀ ਵਿਚ ਲਾਇਸੈਂਸਿੰਗ ਬਾਰੇ ਜਾਣਕਾਰੀ ਹੈ। ਤੁਸੀਂ ਆਪਣੇ ਫ਼ਰੈਂਡ/ਸਹੋਦਾਰੀ ਨੂੰ ਇਸਨੂੰ ਟੁਰਾਓ ਲਈ ਅਨੁਵਾਦ ਕਰਨ ਲਈ ਕਿਹੋ? ਜਾਂ, ਜੇ ਤੁਸੀਂ ਇਸਦੀ ਇੱਕ ਕਾਪੀ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਖ਼ਾਲਿਸ 'ਤੇ  ਠਿਕਾਣਾ ਲਾਓ ਅਤੇ ਇਸ ਸਥੇ 'ਤੇ ਠੇਠਾ ਕਰਕੇ ਆਪਣਾ ਨਾਂ, ਪਤਾ ਅਤੇ ਫ਼ੋਨ ਨੰਬਰ ਸਪੱਸ਼ਟ ਲਿਖੋ ਅਤੇ ਠੇਠਾ ਚਿੱਠੀ ਭੇਜੋ ਅਤੇ 'ਤੇ ਵਾਪਸ ਭੇਜੋ। (Punjabi)

Dokumentigaan waxaa ku qoran warbixin ku saabsan shati-bixinta ee Hackney. Maad weydiisatid saaxiib in uu kuu tarjamo? Ama, haddaad jeclaan lahayd koobi luqadaada ah, calaamadee halkan  ku qorna magacaaga, cinwaankaaga iyo lambarka taleefonkaaga bogga dhammaadkiisa una soo celi cinwaanka hoose. (Somali)

Este documento contiene información relativa a la concesión de explotaciones en Hackney. ¿Por qué no le pide a un amigo que se lo traduzca? O, si desea recibir una copia en su idioma, marque esta casilla , escriba claramente su nombre y su número de teléfono al final de esta página y envíela a la dirección que aparece más abajo. (Spanish)

Bu belge Hackney'deki lisans uygulamaları hakkında bilgi içermektedir. Neden bir arkadaşınızdan bu belgeyi sizin için tercüme etmesini istemiyorsunuz? Veya bu belgenin kendi dilinize tercüme edilmiş kopyasını edinmek istiyorsanız, adınızı, adresinizi ve telefon numaranızı sayfanın alt kısmına açık şekilde yazıp kutuyu  işaretledikten sonra belgeyi aşağıdaki adrese gönderin. (Turkish)

اس دستاویز میں ہیکنی میں لائسنس کاری کے متعلق معلومات ہے۔ اپنے کسی دوست سے کیوں نہیں کہتے کہ وہ آپ کے لیے اس کا ترجمہ کر دے؟ یا اگر آپ کو اپنی ہی زبان میں اس کا ترجمہ چاہئے تو اس صفحہ کے نیچے  جگہ میں نشان لگائیں، اپنا نام، پتہ اور ٹیلیفون نمبر صاف صاف لکھیں اور اسے درج ذیل پتے پر واپس کریں۔ (Urdu)

Tài liệu này chứa những thông tin về việc cấp phép tại Hackney. Tại sao không nhờ một người bạn dịch ra cho mình? Hoặc, nếu bạn muốn có một bản sao bằng ngôn ngữ của mình, đánh dấu vào hộp này  viết tên, địa chỉ và số điện thoại của bạn rõ ràng vào cuối trang và gửi lại theo địa chỉ sau. (Vietnamese)

Return to: Licensing Service, Hackney Service Centre, 1 Hillman Street, London E8 1DY.

Name:
Address:
Telephone: