

Licensing Policy 2023-2028

Appendix 4

Additional responses to the responses received during the survey carried out as part of the consultation on the draft Statement of Licensing Policy

Core Hours (LP3)	
<p>“Core hours pose a threat to the NTE and each venue should be considered on its merits.”</p>	<p>The number of licensed premises in Hackney in the financial year 2017/18 Hackney reported 1366 active premises licences to the Home Office. In 2021/22 the Council reported 1531 active premises licences and there is no suggestion the Policy or even the pandemic has restricted growth.</p>
<p>“Closing at midnight was too early and the council should support responsible landlords and club owners in staying open later while minimising disturbance.”</p>	<p>The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by recent legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council’s own experience since the commencement of the Act. Further, 23:00 to 07:00 are generally considered to be the ‘night-time’ hours, the hours for late-night refreshment and the hours that certain forms of regulated entertainment are deregulated, hence the desire to place activities during late hours under more scrutiny whilst acknowledging that there may be slightly more tolerance at weekends.</p>
<p>“Night time workers, livers, operators, creators need a place to feel welcome and included, so 24/7 hours are important.”</p>	<p>The Core Hours policy is a continuation of the Policy published in 2018, and is designed to reflect the requirement in the Home Office Guidance (licensing hours) by seeking to balance the needs of licensed operators whilst mitigating any negative residential impact and promoting the licensing objectives.</p>
<p>“Weekend core hours should be slightly extended until 1:00 am.”</p>	<p>The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by recent legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council’s own</p>

	<p>experience since the commencement of the Act. Further, 23:00 to 07:00 are generally considered to be the 'night-time' hours, the hours for late-night refreshment and the hours that certain forms of regulated entertainment are deregulated, hence the desire to place activities during late hours under more scrutiny whilst acknowledging that there may be slightly more tolerance at weekends.</p>
<p>".....should be combined with attention to issues such as biodiversity both within and beyond the core hours e.g. minimising light pollution through use of downlighting and yellow spectrum LEDs."</p>	<p>The Environmental Protection Act 1990 is the primary mechanism for addressing light pollution. This matter is therefore not relevant.</p>
<p>"The core hours are too restrictive and at odds with Hackney's otherwise vibrant, energetic and youthful culture."</p>	<p>The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by recent legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council's own experience since the commencement of the Act. Further, 23:00 to 07:00 are generally considered to be the 'night-time' hours, the hours for late-night refreshment and the hours that certain forms of regulated entertainment are deregulated, hence the desire to place activities during late hours under more scrutiny whilst acknowledging that there may be slightly more tolerance at weekends.</p>
<p>"Later hours should be encouraged to give hospitality venues greater freedom in inner London."</p>	<p>The Core Hours policy should not be seen as a blanket approach. It should instead be treated as a guide for all parties involved in any licence application process.</p>
<p>"While noise affects me as a resident, I appreciate the benefits that licensed activities within these hours can bring to the area."</p>	<p>The Core Hours policy is a continuation of the Policy published in 2018, and is designed to reflect the requirement in the Home Office Guidance (licensing hours) by seeking to balance the needs of licensed operators whilst mitigating any negative residential impact and promoting the licensing objectives.</p>

<p>“I think the late licensing hours should be reduced and if required then they have to be specifically applied for within strict requirements and carry a higher licensing fee.”</p>	<p>The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by recent legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015.</p> <p>It should also be noted that licences authorising alcohol sales between 00:01 and 06:00 on any day are liable to pay the late night levy</p>
<p>“In the case of shops in residential settings licensed to sell alcohol, midnight is too late - it's likely to cause anti-social behaviour and disturbance outside shops.”</p>	<p>LP4 (Off-sales of alcohol) sets out that hours...”will generally be restricted to between 08:00 and 23:00...”</p>
<p>“The core hours do not reflect the habits of Hackney residents or visitors.”</p>	<p>The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by recent legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council's own experience since the commencement of the Act. Further, 23:00 to 07:00 are generally considered to be the 'night-time' hours, the hours for late-night refreshment and the hours that certain forms of regulated entertainment are deregulated, hence the desire to place activities during late hours under more scrutiny whilst acknowledging that there may be slightly more tolerance at weekends.</p>
<p>“Current core hours are not being enforced tightly. This leads to licensed premises operating well past their licensable hours late into the night. Leading to excessive noise, litter, antisocial behaviour and in the summer an increase in people peeping against residences during the late nights.”</p>	<p>Matters relating to non-compliance are outside of this Policy and would be addressed in accordance with the Council's Enforcement Policy and the Regulators Code.</p>
<p>“The proposed core hours policy is anti-business and anti-youth, and does not realise the potential for Hackney to have an enduring and positive night time economy past 11pm.”</p>	<p>The Core Hours Policy States “Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.”</p>

External Areas and Outdoor Events (LP6)

<ul style="list-style-type: none"> “I think 10pm is a reasonable end time for any outside event in a residential area and that no extensions should be offered beyond that.” 	<p>LP6 states “The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective.”</p>
<p>“I believe that unique punctual celebrations can be positive for the community but that it has to be strongly regulated.”</p>	<p>LP6 seeks to set out a general approach. Longer or shorter hours could be set subject to the individual merits of the case.</p>
<p>“And that should be done more on a case-by-case basis as it does apply to all venues.”</p>	<p>LP6 should not be seen as a blanket approach. It should instead be treated as a guide for all parties involved in any licence application process.</p>
<p>“Again greater case by case freedom should be given to encourage the struggling culture and hospitality sectors.”</p>	<p>LP6 should not be seen as a blanket approach. It should instead be treated as a guide for all parties involved in any licence application process. However, the Council has a duty to promote the licensing objectives. Nuisance is often caused as a result of outdoor activity hence the desire for applicants to address this whilst preparing their operating schedules.</p>
<p>“Many venues have conditions within their existing licences that external activities are limited to 9pm. This enables a good quality of life for all. And matches with the Council's Sustainable community strategy as noted in the Licensing strategy document.</p>	<p>LP6 should not be seen as a blanket approach. It should instead be treated as a guide for all parties involved in any licence application process.</p>
<p>“For outdoor events in parks it should be 9pm - public nuisance to residents.”</p>	<p>LP6 seeks to set out a general approach. Longer or shorter hours could be set subject to the individual merits of the case.</p>
<p>“We need to be more social for our health and for the strength and community bonds of society. These types of laws are much less</p>	<p>Nuisance is often caused as a result of outdoor activities, hence the desire for applicants to address this whilst preparing their operating schedules.</p>

<p>restrictive in places like Spain, Greece and France, where there is invariably a much tighter sense of community. In such places it's extremely common to have outdoor events past 10pm - and this is to be encouraged where appropriate."</p>	<p>This specific policy is seen as too early by some and too late by others. It is therefore designed to create a balance between the competing interests of the parties involved.</p> <p>It should also be noted that the measures introduced under the Business and Planning Act 2020 sought to encourage outdoor activity at hospitality venues.</p>
<p>"For pubs and constantly opening venues that makes sense as a lot of pubs have signs saying they are considering their residential neighbours. One off events should not be so strict as they have less potential for nuisance especially on an ongoing basis."</p>	<p>One-off events that seek hours beyond those in LP6 would be considered on a case-by-case basis, assessing the individual merits of the application.</p>
<p>"This does not go far enough. A default of 08:00 is far too early, it should be more like 11:00."</p>	<p>LP6 seeks to set out a general approach. Longer or shorter hours could be set subject to the individual merits of the case.</p>

<p>Special Policy Areas (LP10)</p>	
<p>"It is very helpful to have a Special Policy Area for Shoreditch. Core hours should be until 23.00 only as there is saturation of licensed premises."</p>	<p>Special policy areas exist in areas where there are already a large number of licensed premises and there is deemed to be a cumulative impact on local residents. This cumulative impact could mean noise at particular times of the night, litter, or increased alcohol-related crime or hospital admissions. An independent Cumulative Impact Assessment is being carried out that would determine where, if any, special policy areas should be located in the borough.</p> <p>An SPA is not a blanket approach and can be rebutted where an applicant can demonstrate that their proposal would not</p>

	<p>add to the negative impact already being experienced.</p>
<p>“The implementation of the Shoreditch SPA has had no positive impact on the licensing objectives - crime, anti-social behaviour nuisance have all increased while it has been in place. The SPA in Dalston has had a devastating effect on the local economy and community.”</p>	<p>Historically in Hackney, there is often a correlation between the locations of licensed premises and certain types of crime, ambulance calls and increased A&E admissions. The SPA is therefore the Policy that would be applied in the event that a Cumulative Impact Assessment (CIA) determines that this is necessary. Any such evidence would be set out in the CIA which is currently being undertaken.</p>
<p>“That seems very strict, all types of economic/human activity comes with a downside, like markets produce food waste that has to be cleaned by the council. It's better to have similar nightlife venues localised in one vibrant area.”</p>	<p>Special policy areas exist in areas where there are already a large number of licensed premises and there is deemed to be a cumulative impact on local residents. This cumulative impact could mean noise at particular times of the night, litter, or increased alcohol-related crime or hospital admissions. An independent Cumulative Impact Assessment is being carried out that would determine where, if any, special policy areas should be located in the borough.</p> <p>An SPA is not a blanket approach and can be rebutted where an applicant can demonstrate that their proposal would not add to the negative impact already being experienced.</p>
<p>“.....it can be demonstrated that smaller independent operators are more interested and more effective in promoting the licensing objectives, and that the implementation of an SPA threatens these objectives by creating a commercial market into which only corporate groups can afford to enter.”</p>	<p>An SPA is not a blanket approach and can be rebutted where an applicant can demonstrate that their proposal would not add to the negative impact already being experienced.</p> <p>No evidence has been presented that would support the argument that the SPA places corporate operators at an advantage over independent operators.</p>

<p>“I would strongly object to any attempt in this new licensing policy to reduce the Shoreditch SPA boundary or in any other way to make it any easier for an applicant to obtain a licence in the area. I am also concerned that a decision to drop reference to specific areas (Shoreditch and Dalston) might prevent downgrading one or both of them entirely. We need more and stronger licensing controls, not less.”</p>	<p>An independent Cumulative Impact Assessment is being carried out that would determine where, if any, special policy areas should be located in the borough.</p>
<p>“An innovative night time industry depends on constant change. Making it too difficult for new spaces to open might reduce the overall attractiveness as a nightlife destination.”</p>	<p>An SPA is not a blanket approach and can be rebutted where an applicant can demonstrate that their proposal would not add to the negative impact already being experienced.</p>
<p>“Applicants should be able to demonstrate good environmental practice such that the proposed activity will not add to the cumulative impact of unsustainable and therefore unsafe aspects such as single use plastic. Offering reuse and recycling facilities plus means of minimising impact on biodiversity such as use of downlighting and yellow spectrum LEDs should be a requirement for applications to not be subject to presumption of rejection (though rejection may be the correct decision for other reasons).”</p>	<p>Matters pertaining to biodiversity, downlighting and yellow spectrum LEDs not relevant to the promotion of the licensing objectives.</p>
<p>“The removal of the defined boundaries of the Special policy areas would make these nebulous and harder for both the Council and applicants to assess the applicability of the Special policy area to an application. I do however support the presumption to refuse new applications in these areas, unless the applicant can clearly prove that the proposed activity(s) will not add to the cumulative impact being experienced in the area in question.”</p>	<p>An independent Cumulative Impact Assessment is being carried out that would determine where, if any, special policy areas should be located in the borough.</p> <p>An applicant would be asked to demonstrate (not prove) that their proposal will not add to the negative impact being experienced</p>

Special Consideration Areas (LP11)

“It is the council’s prerogative to accommodate and support and provide strategies and solutions and encourage active engagement with the night economy.”

Under s(4) of the Licensing Act 2003, a licensing authority must carry out its functions under this Act with a view to promoting the licensing objectives whilst having regard to its licensing policy and the guidance from the Home Office.

“I think it's good if it is to raise awareness of local issues to a potentially non local venue operator or owner.”

In a Special Consideration Area, the cumulative impact from licensed premises is similar to special policy areas but not at a level that would require a presumed refusal of a new licensing application. Instead applicants are expected to address these issues in their application and put in place measures to mitigate these impacts. The location of these areas would be decided following an independent assessment, which we will then consult on.

“In my opinion, all applicants should demonstrate their understanding of the negative impacts the premise may have and include measures to mitigate those issues.”

The Licensing Act 2003 is permissive. The onus is on the party (e.g. a responsible authority or a local resident) making the representation in connection with a new application that the proposal will undermine one or more of the licensing objectives. A Special Consideration Area will require an applicant for a premises licence, club premises certificate or variation of these authorisations to demonstrate that they have an understanding of the issues and concerns arising from cumulative impact in defined area as identified in a Cumulative Impact Assessment and include measures within their operating schedule to mitigate those issues and concerns.

“This: “there will not be a presumption to refuse application.” Why not? The SPAs or SCAs are areas which are already saturated with late night entertainment. The presumption to refuse application should remain.”

In a Special Consideration Area, the cumulative impact from licensed premises is similar to special policy areas, but not at a level that would require a presumed refusal of a new licensing application. Instead applicants are expected to address these issues in their application and put in place measures to mitigate these impacts.

“Disagree with 70% of the late night levy going to the police”

The relevant provision is set out in s141(4) of the Police Reform and Social

	<p>Responsibility Act 2011. Therefore this is not a matter that is within the jurisdiction of the Licensing Policy.</p>
<p>“I don't agree. If an area has been identified as suffering a Cumulative Impact it should be designated as a Special Policy Area. These controls are already too weak to effectively deal with the impact, I can't see how introducing a watered-down version would make much real difference to consideration of a licence application.”</p>	<p>The cumulative impact from licensed premises is similar to special policy areas, but not at a level that would require a presumed refusal of a new licensing application. Instead applicants are expected to address these issues in their application and put in place measures to mitigate these impacts.</p>
<p>“There is room for a greater variety of cultural offerings in for example Dalston, these new venues should be encouraged not discouraged.”</p>	<p>Licensable activities are neither encouraged nor discouraged. Where an application is made within a Special Consideration area, the applicant is expected to demonstrate an understanding of the issues and concerns arising from a Cumulative Impact Assessment and address these matters in their operating schedule.</p>
<p>“The Special Consideration Area sounds like a much more proportionate and flexible response to some of the pressures and issues Special Policy Area is designed to address (but seek to do in an overly heavy handed and prescriptive way).....”</p>	<p>Any area identified as a Special Consideration Area would still be suffering from cumulative impact. However, this would not be at a level that the refusal of an application is the default position. Instead the applicant is expected to demonstrate an understanding of the issues and concerns arising from a Cumulative Impact Assessment and address these matters in their operating schedule.</p>