

# Licensing

## Consultation Report

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 **Hackney**

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**Appendix – Extensive additional comments**

## **Introduction**

This report presents findings from the consultation on Hackney's draft Licensing Policy. The consultation ran for 10 weeks from 6 November 2017 to 12 January 2018.

The Licensing Act 2003 requires that the Council review the Licensing Policy at least every five years, consulting the public on a draft Licensing Policy and making revisions to the policy as appropriate.

The Act and Statutory Guidance does not prohibit the Council from reviewing the Policy at any stage during the 5 year period and suggests that the Policy be kept under review, with the Council making any changes to it as it considers appropriate.

## **Aim of the consultation**

The proposed policy is made up of five key proposals:

- Changes to the Special Policy Areas (SPAs), including extension of the Shoreditch SPA boundary and simplification of the Dalston SPA policy
- New general principles for applicants
- New core hours policy
- New policy on 'off' sales, the supply of alcohol for consumption off the premises
- New policy on outdoor activities

## **The licensing objectives**

Through the Licensing Policy, the Council sets out to promote the four licensing objectives of the Licensing Act 2003, which are:

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

## **Proposed changes to the Shoreditch Special Policy Area (SPA)**

The Council are proposing to extend the Shoreditch SPA. They are concerned about licensing related crime and disorder and public nuisance in the wider Shoreditch area. They believe that there is a need to address and manage the overall impact of the concentration and number of licensed premises on the licensing objectives and the night-time economy. The proposed extension to the Shoreditch SPA area will align the Shoreditch SPA boundary with the adjacent SPAs in Tower Hamlets and Islington.

A proposed change to the Shoreditch SPA includes removing the policy that applicants will be refused unless there are exceptional circumstances. Instead, the proposed policy will seek that applicants demonstrate that the proposed activity will not add to issues of cumulative impact, such as anti-social behaviour, public nuisance, crime and noise.

## Proposed changes to the Dalston SPA

The Dalston SPA boundary will remain the same however, we are seeking to simplify the way in which the policy is applied. The existing policy sets out acceptable hours based on activity and use. The Council would like to simplify this policy by removing this.

Like the Shoreditch SPA, applicants within the Dalston SPA will have to demonstrate that the proposed activity will not add to issues of cumulative impact, such as anti-social behaviour, public nuisance, crime and noise.

No changes will be made to the existing Dalston SPA boundary.

## **Consultation approach**

The consultation ran from 6 November 2017 to 12 January 2018.

The consultation was publicised through an article in Hackney Today issue (414), published on the consultation launch date of 6 November 2017. The article also advertised an information event held on 22 November 2017 for residents and businesses to attend.

Below is a summary of further methods used to inform, consult and involve stakeholders and the wider public:

- The consultation featured on the home page of the Council's consultation and engagement platform, [www.consultation.hackney.gov.uk](http://www.consultation.hackney.gov.uk).
- The online consultation was highlighted and linked to via [www.hackney.gov.uk/licensing](http://www.hackney.gov.uk/licensing).
- The consultation summary, questionnaire and Draft Statement of Licensing Policy were made available online. Hard copies were also printed and available at the information event and by request.
- A press release was sent to local media, in addition to promotion through Hackney Today.
- Staff Headlines informed staff of the borough wide consultation, as a high percentage of staff live in the borough.
- The consultation and information event was publicised through posts on the official Hackney Council Facebook page, Twitter page and the Hackney Business Network Twitter page (@HackneyBusiness).
- Details on the consultation and information event were sent by email to a stakeholder database.
- Mailing to statutory and key stakeholders was sent by the licensing service.
- A freepost address was provided for the returns of paper questionnaires.

## **Response rate**

A total of 680 responses were received for this consultation.

## **Analysis**

This report has been interpreted and analysed by the Research Analyst in the Consultation Team. The questionnaire consisted of 8 questions, excluding the equalities monitoring questions.

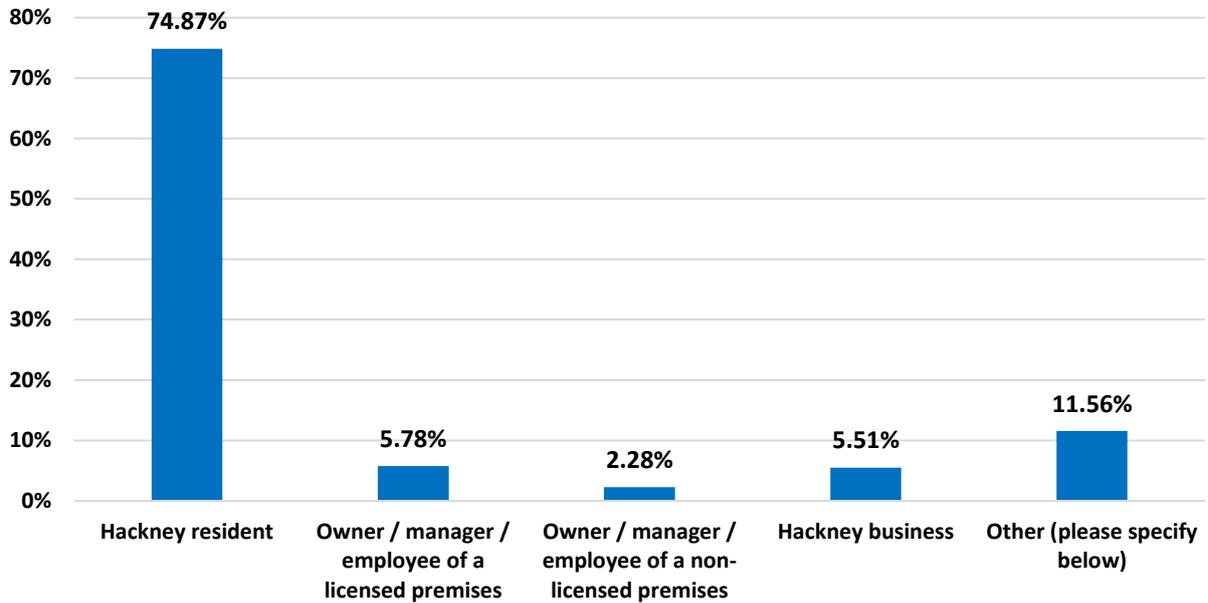
Please note that the comments have been quantified by their key themes, but due to the large and varied number of comments a further breakdown of each theme was not possible. All comments are available upon request.

## **Executive Summary**

- The majority of respondents stated that they were a “Hackney resident” (557).
- The highest percentage of respondents lived in the E8 postcode (147)
- Most respondents who are business related come from Shoreditch related postcodes. The majority of Hackney residents come from Dalston related postcodes.
- **How well do you think the proposed changes to the Shoreditch SPA can help to promote the licensing objectives?**
  - The majority of respondents gave a negative response (527) to this question accounting for 77.50% (combination of “Poorly” and “Not at all”).
- **How well do you think the proposed changes to the Dalston SPA can help to promote the licensing objectives?**
  - The majority of respondents gave a negative response (505) to this question accounting for 74.81% (combination of “Poorly” and “Not at all”).
- **How well do you think the proposed general principles can help to promote the licensing objectives whilst supporting a diverse range of businesses?**
  - The majority of respondents gave a negative response (398) to this question accounting for 58.79% (combination of “Poorly” and “Not at all”).
- **How well do you think the proposed core hour’s policy can help promote the licensing objectives?**
  - The majority of respondents gave a negative response (570) to this question accounting for 84.32% (combination of “Poorly” and “Not at all”).
- **How well do you think the proposed ‘off’ sales policy can help promote the licensing objectives?**
  - The majority of respondents gave a negative response (453) to this question accounting for 67.31% (combination of “Poorly” and “Not at all”).
- **How well do you think the proposed policy can support outdoor events, activities and areas in Hackney whilst minimising any negative impact on local communities?**
  - The majority of respondents gave a negative response (500) to this question accounting for 75.52% (combination of “Poorly” and “Not at all”).

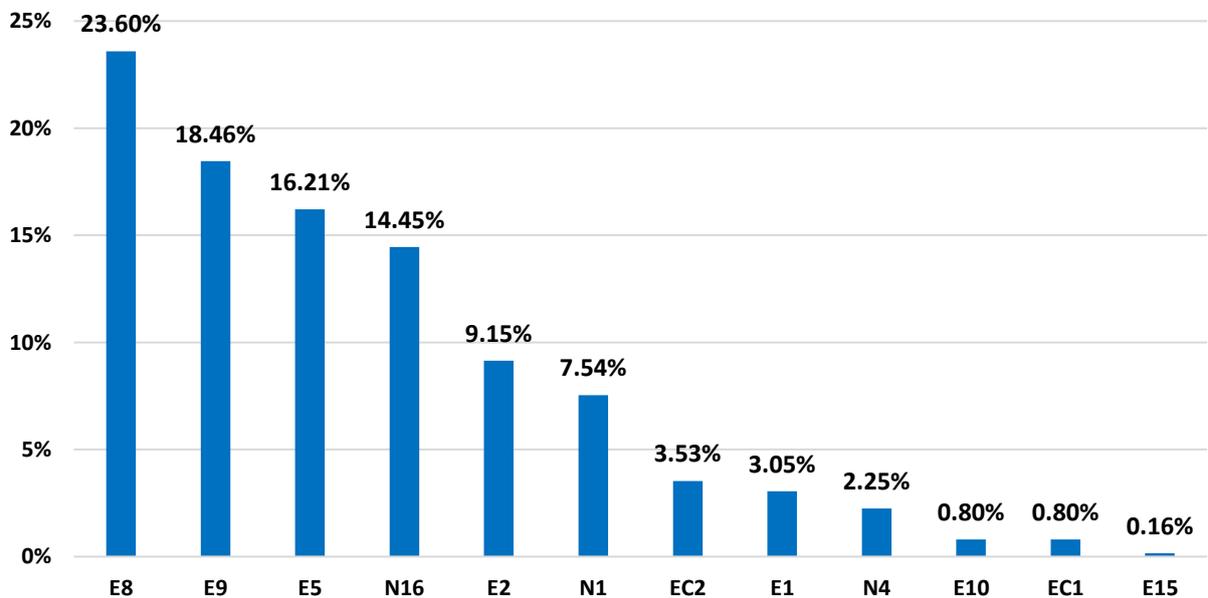
# Overview of Results

## Are you a.....

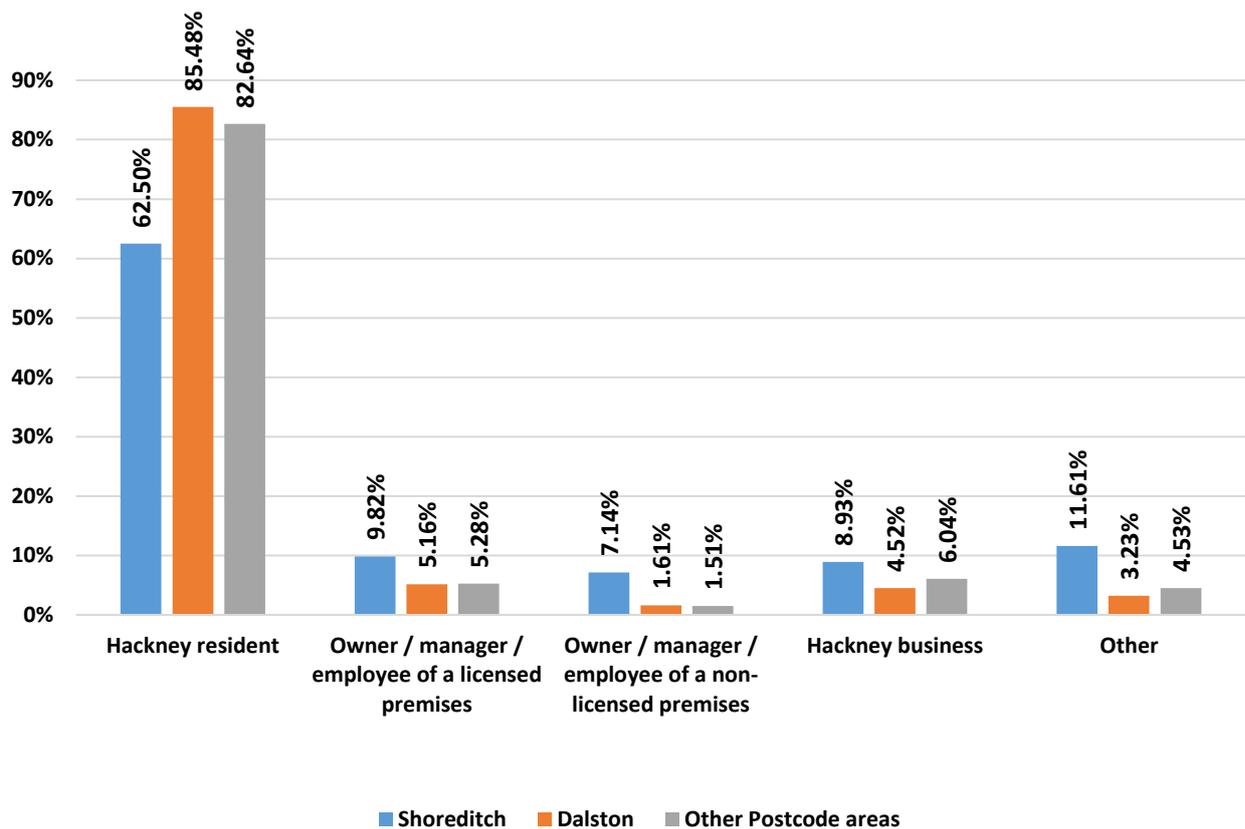


The majority of respondents stated that they were a “Hackney resident” (557). This was followed by those who stated “Other” (86), “Owner/manager/employee of a licensed premises” (43), “Hackney business” (41) and “Owner/manager/employee of a non-licensed premises” (17).

## What is your postcode?



The highest percentage of respondents lived in the E8 postcode (147). This was followed by E9 (115), E5 (101), N16 (90), E2 (57) and N1 (47). All other postcodes accounted for a much smaller percentage.

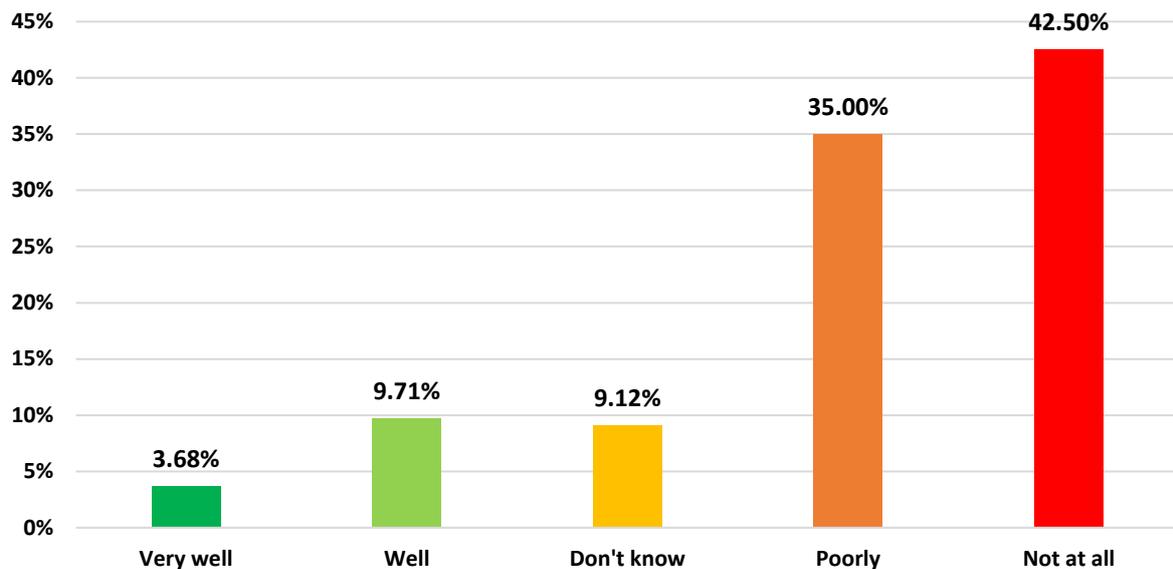


The chart above represents those respondents from Shoreditch related postcodes (E1, E2, EC1 and EC2 - 112) and Dalston related postcode (E8 - 310) who took part in the consultation.

It shows that the most respondents who are business related come from Shoreditch related postcodes.

The majority of Hackney residents come from Dalston related postcodes.

**How well do you think the proposed changes to the Shoreditch SPA can help to promote the licensing objectives?**

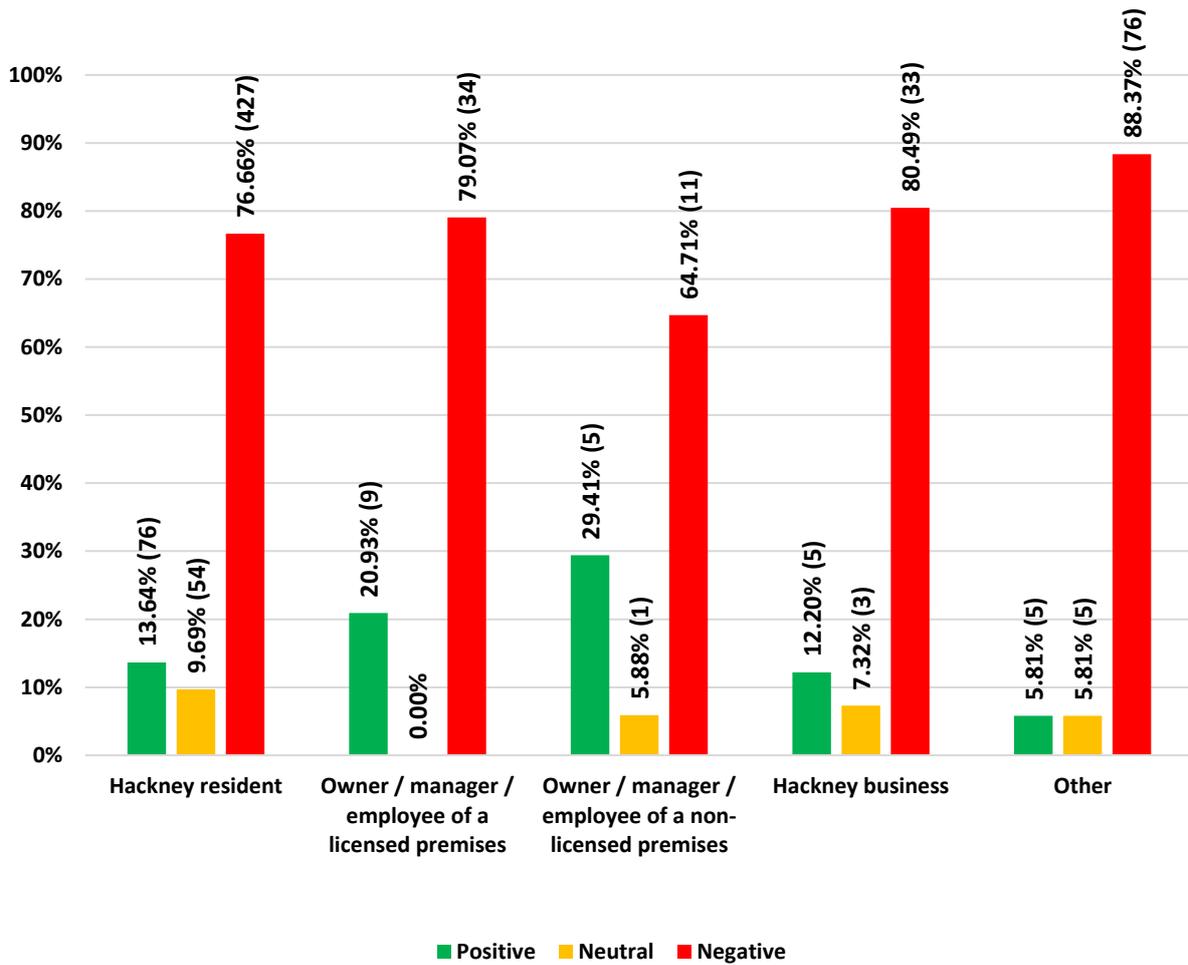


The majority of respondents gave a negative response (527) to this question accounting for 77.50% (combination of “Poorly” and “Not at all”).

A total of 302 comments were provided to this question, with the following key themes:

- Will harm current night time economy (68)
- Operation hour limits will ruin nightlife (37)
- Will prevent growth in the area (30)
- Negative approach overall (26)
- More control over noise/disorder and patrols on the streets (13)
- Closing businesses (10)
- Positive for removing policy that applicants will be refused unless exceptional circumstances (8)
- Positive approach overall (7)
- Extend area range (6)

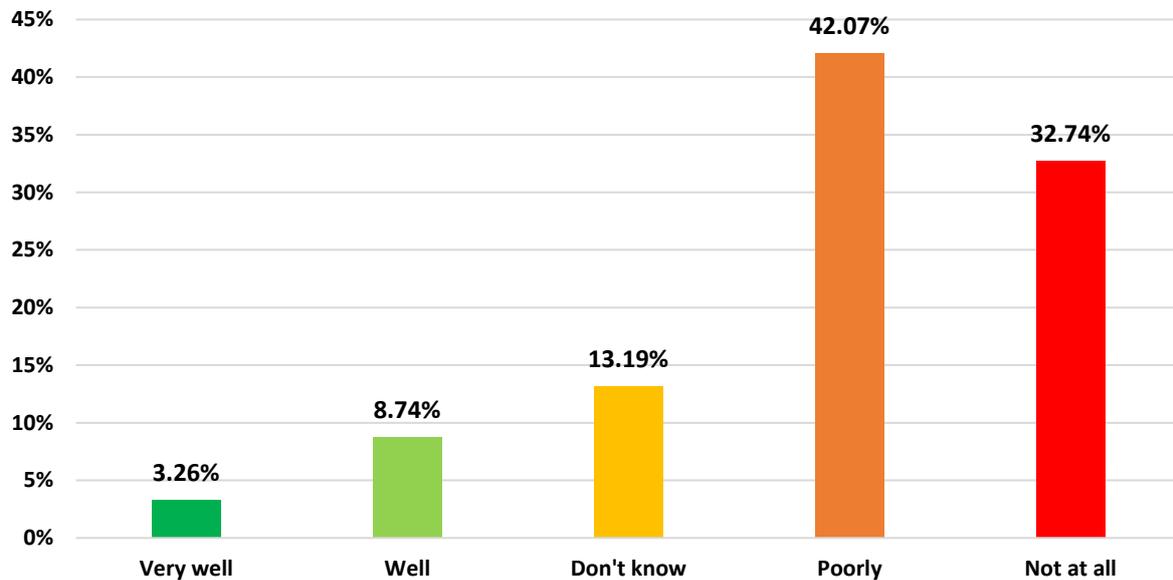
### Breakdown by Type of Respondent



The chart above represents the percentage from each type of respondent based on their views of whether they think the proposed changes to the Shoreditch SPA can help to promote the licensing objectives.

We already know that the majority of respondents gave a negative response which is clearly shown, but this also shows us the most positive responses based on the overall number of respondents for that type. The base numbers are shown in brackets against each percentage.

**How well do you think the proposed changes to the Dalston SPA can help to promote the licensing objectives?**

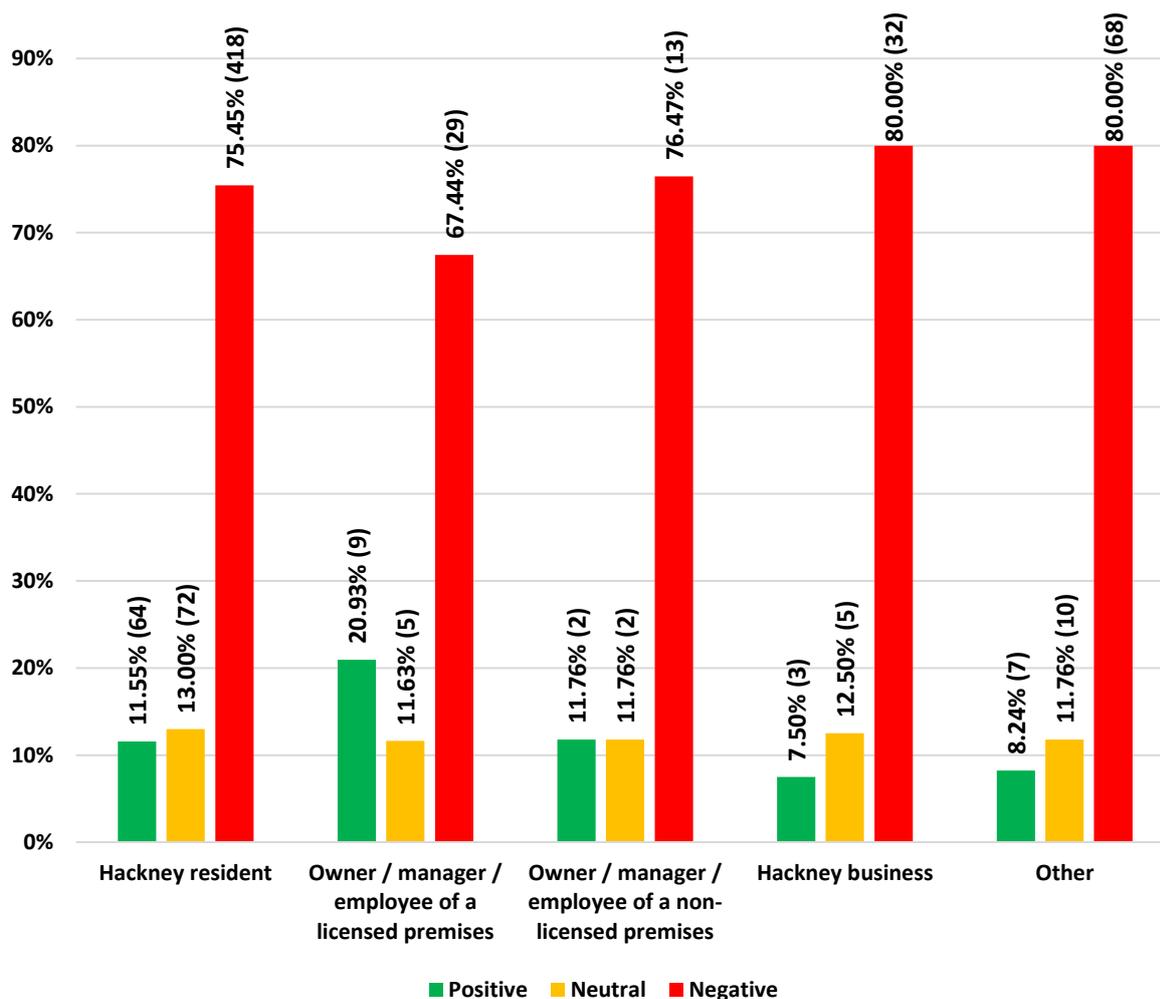


The majority of respondents gave a negative response (505) to this question accounting for 74.81% (combination of “Poorly” and “Not at all”).

A total of 217 comments were provided to this question, with the following key themes:

- Will harm night time economy (48)
- Will harm current businesses (16)
- Removal of acceptable hours policy (14)
- Operation hour limits will ruin nightlife (12)
- Will prevent people coming (8)
- Rejected by residents and businesses (8)
- Will prevent growth in the area (7)
- Will harm the vibrancy of the area (6)
- Business unable to give evidence about cumulative impact (6)
- Change will not impact on ASB (6)

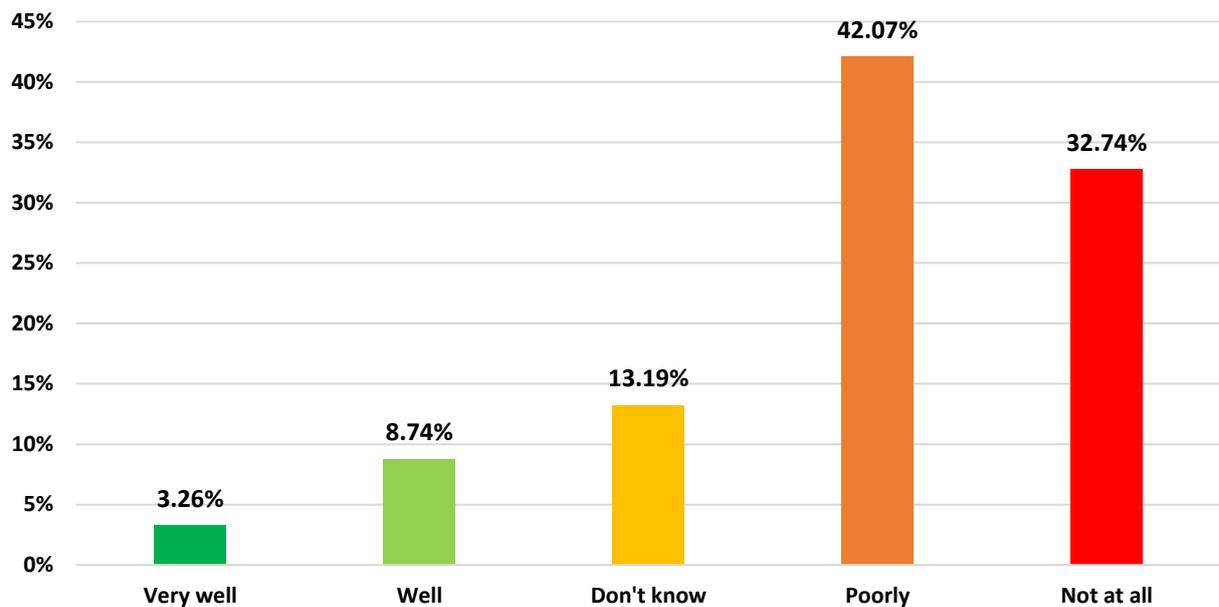
### Breakdown by Type of Respondent



The chart above represents the percentage from each type of respondent based on their views of whether they think the proposed changes to the Dalston SPA can help to promote the licensing objectives.

We already know that the majority of respondents gave a negative response which is clearly shown, but this also shows us the most positive responses based on the overall number of respondents for that type. The base numbers are shown in brackets against each percentage.

**How well do you think the proposed general principles can help to promote the licensing objectives whilst supporting a diverse range of businesses?**

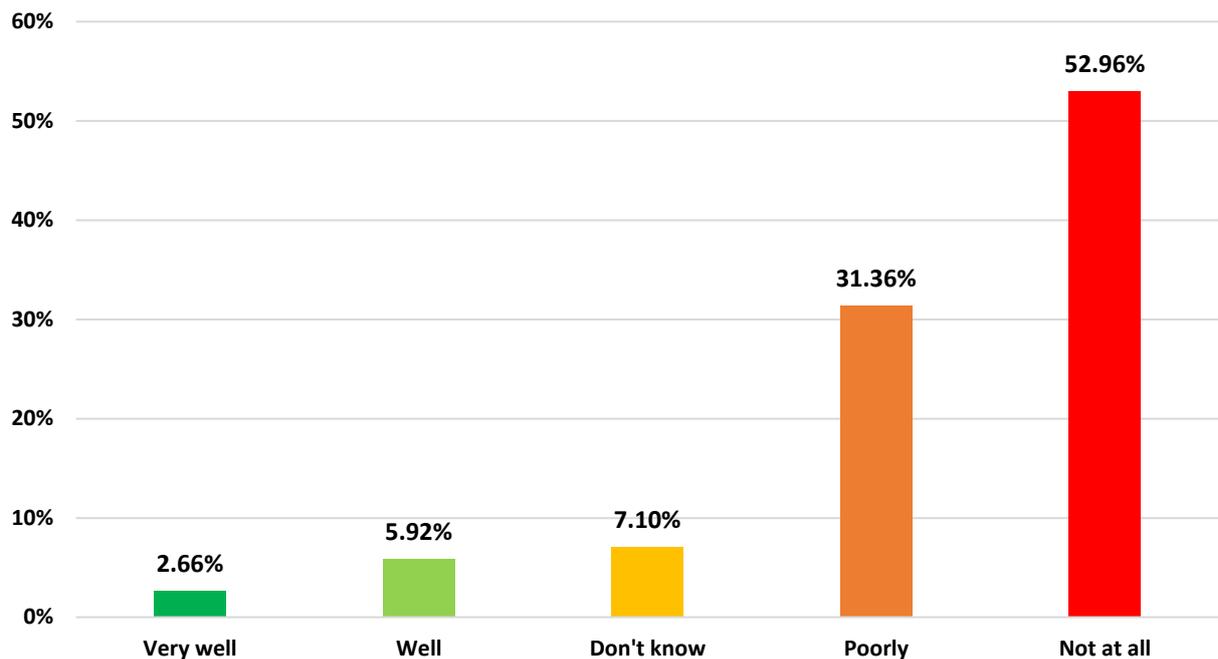


The majority of respondents gave a negative response (398) to this question accounting for 58.79% (combination of “Poorly” and “Not at all”).

A total of 218 comments were provided to this question, with the following key themes:

- Impact on the area/diversity (48)
- Impact on businesses (35)
- Impact on night time economy (18)
- Positive – In favour (8)
- Impacts on local residents (6)
- More enforcement (5)

**How well do you think the proposed core hour's policy can help promote the licensing objectives?**

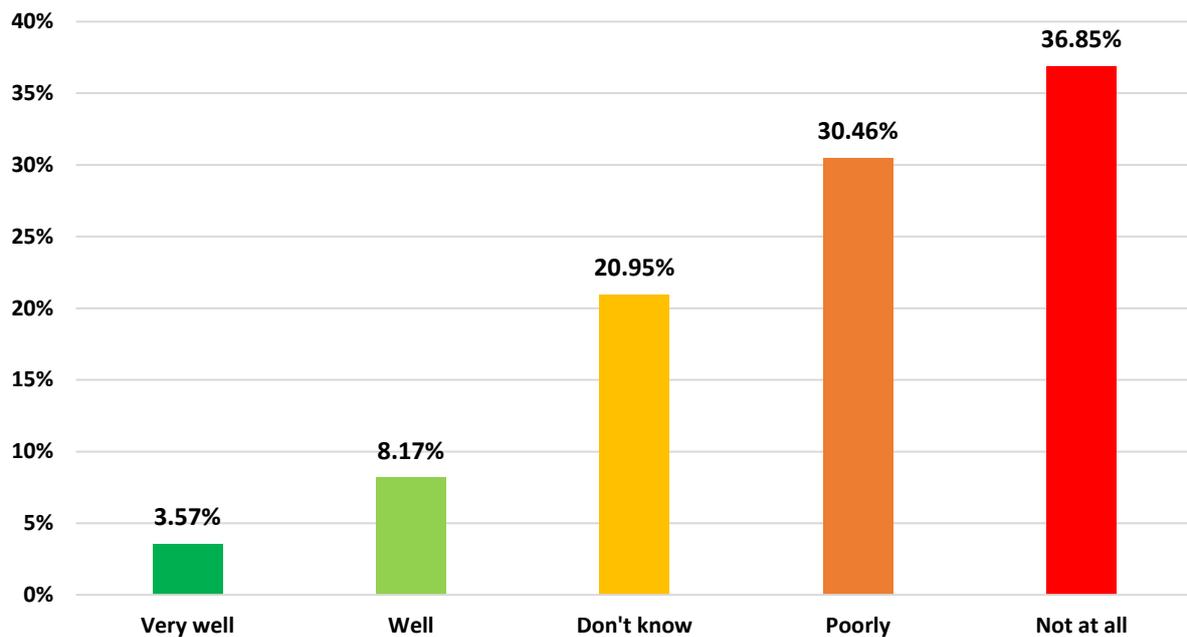


The majority of respondents gave a negative response (570) to this question accounting for 84.32% (combination of “Poorly” and “Not at all”).

A total of 272 comments were provided to this question, with the following key themes:

- Those not in favour (201)
  - Hours need to be extended
  - Late workers will be unable to enjoy their evening with core hours in place
  - Will damage diversity and the vibrant nightlife in the area
  - It's a 24 hour city, and should follow other European cities
  - Will impact on businesses – closing down, lack of income,
- Those in favour (5)
- Those who don't mind either way (21)
  - Closing hours should be staggered to prevent piling on the roads of people
  - Agreeable hours need to be properly thought out
- Those who said it is not necessary (4)

**How well do you think the proposed ‘off’ sales policy can help promote the licensing objectives?**

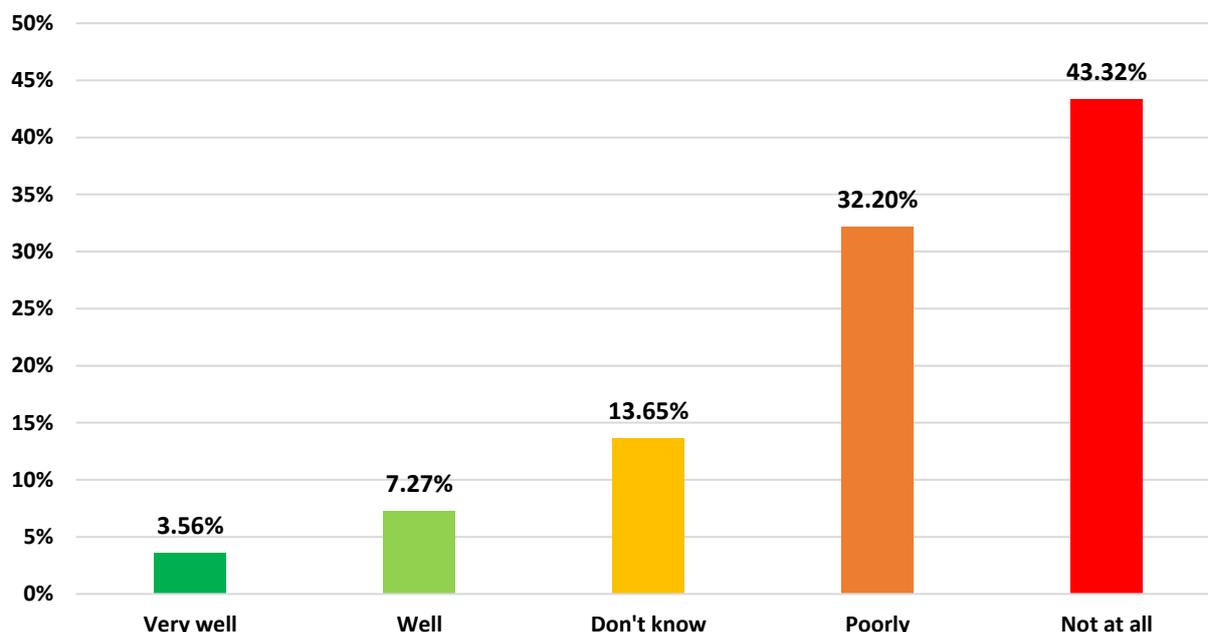


The majority of respondents gave a negative response (453) to this question accounting for 67.31% (combination of “Poorly” and “Not at all”).

A total of 175 comments were provided to this question, with the following key themes:

- Those not in favour (76)
  - Will impact on local businesses who rely on these types of sales
  - Will encourage people to drink on the streets and outside rather than in venues
  - Alcohol should be sold 24 hours a day, as it is 24 hour city
- Those in favour (19)
  - Will discourage those drinking on the streets
  - Will prevent ASB
- Those who don't feel a need for change (11)
- Those who should be able to make their own decision when to buy alcohol (29)

**How well do you think the proposed policy can support outdoor events, activities and areas in Hackney whilst minimising any negative impact on local communities?**



The majority of respondents gave a negative response (500) to this question accounting for 75.52% (combination of “Poorly” and “Not at all”).

A total of 210 comments were provided to this question, with the following key themes:

- Disagree with proposed policy (130)
  - Will force people to congregate on the streets to continue partying
  - Will damage diversity in Hackney
  - Hackney is a vibrant place to go out and this is why people come here
  - Late night eating and food markets are a massive appeal
- Agree with proposed policy (22)
  - Restricted hours are good for residents
  - Noise from outdoor events to stop at a reasonable time

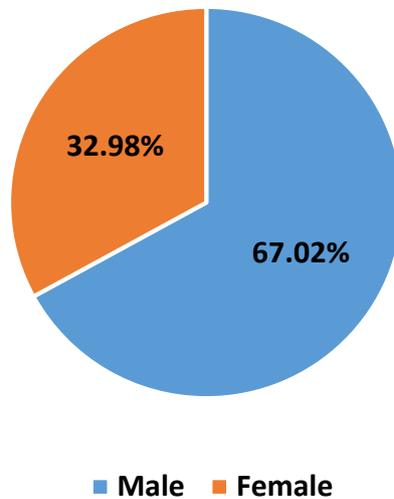
Extensive additional comments were received from respondents of the following:

- Hackney Police Licensing Unit
- Public Health LB Hackney
- Economic Regeneration
- Resident in Dalston
- Jago Action Group, Residents Association

These comments can be seen in the attached appendix at the end of this report.

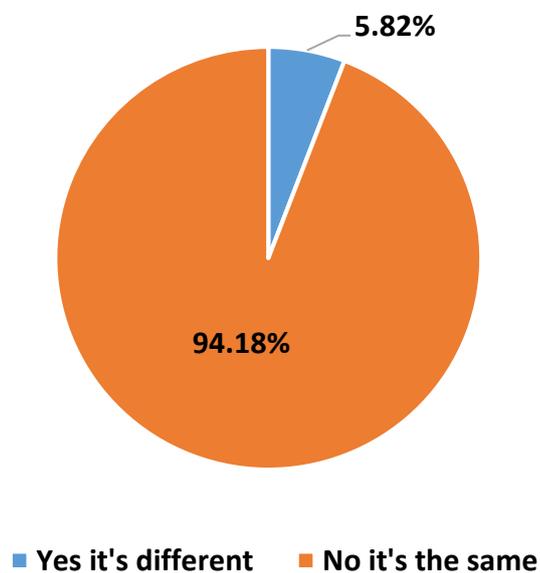
# About You

## Gender



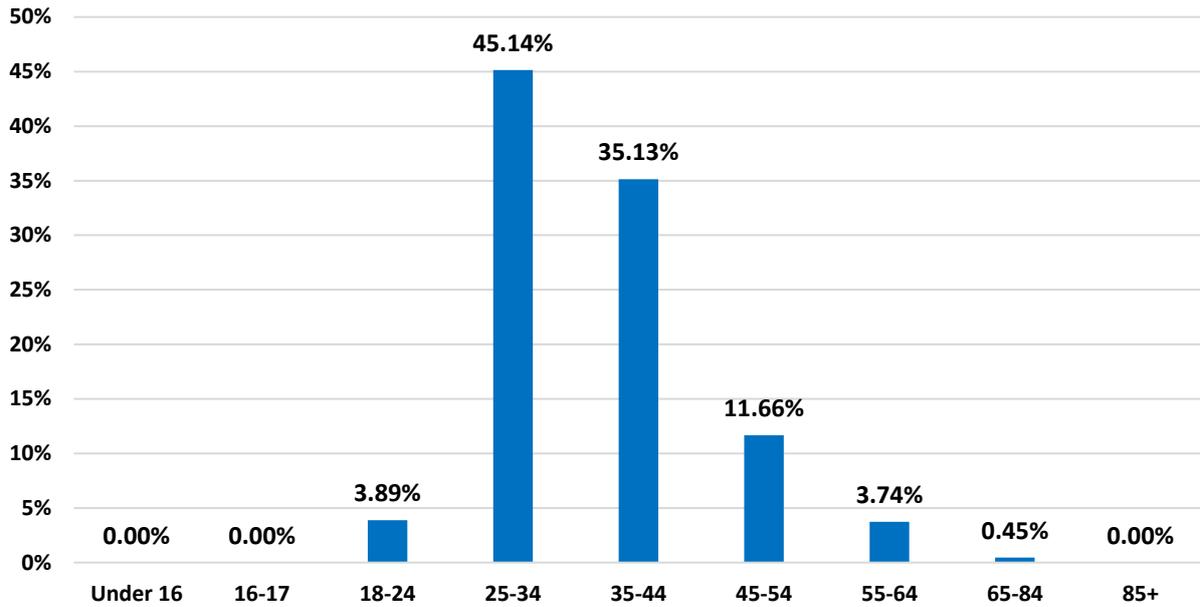
The highest percentage of respondents were male (443), with a smaller percentage of female respondents (218).

## Gender: Is your gender identity different to the sex you were assumed to be at birth?



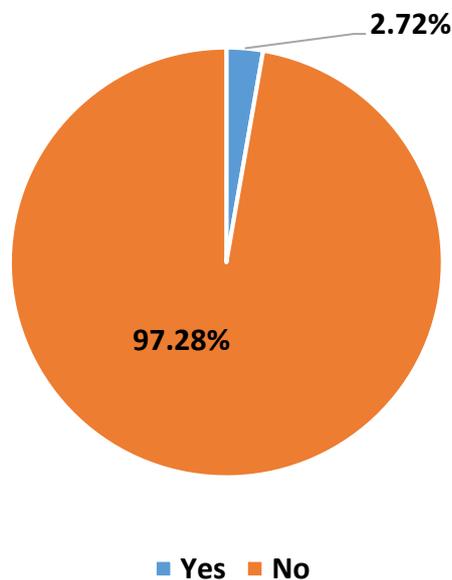
The majority of respondents stated that their gender identity was the same as at birth (615). Only a very small percentage stated that it is different (38).

## Age Group



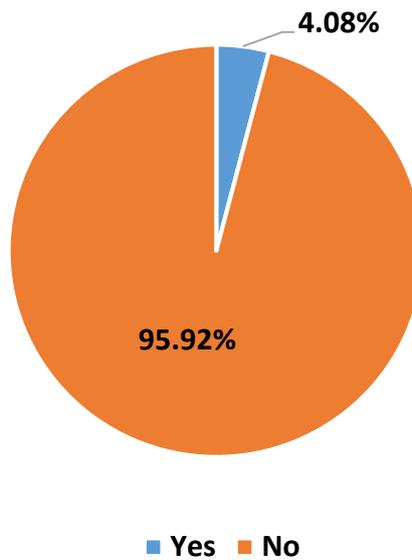
The highest percentage of respondents were in the 25-34 (302) and 35-44 (235) age groups. This was followed by a much smaller percentage for 45-54 (78), 18-24 (26), 55-64 (25) and 65-84 (3).

## Disability



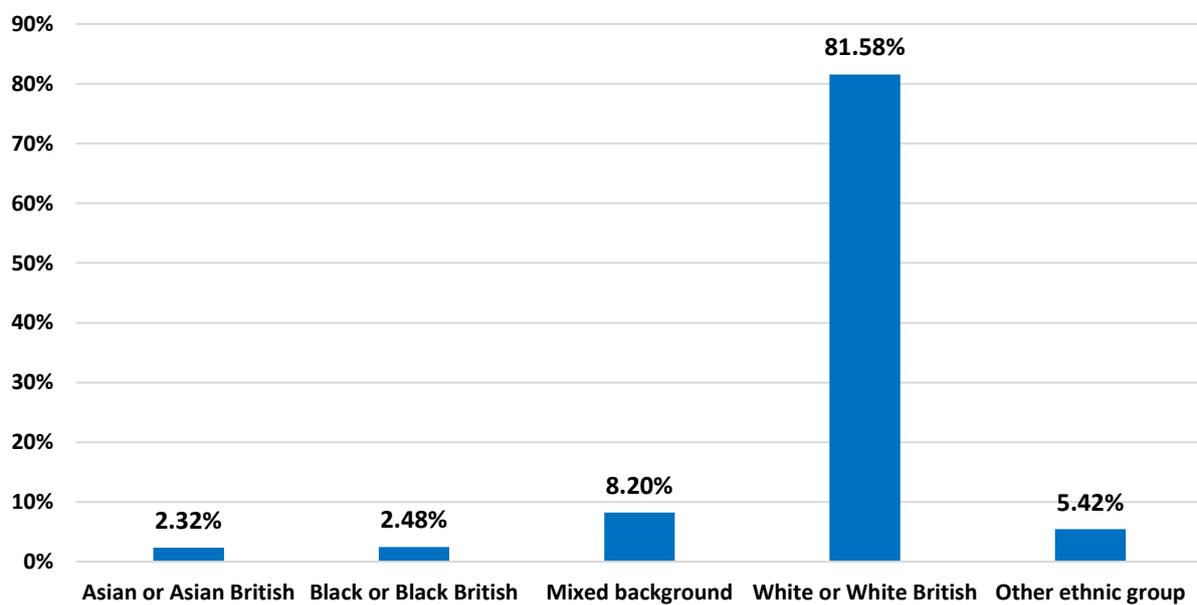
The majority of respondents stated that they did not have a disability (643). Only a small percentage stated that they did (18).

## Caring responsibilities



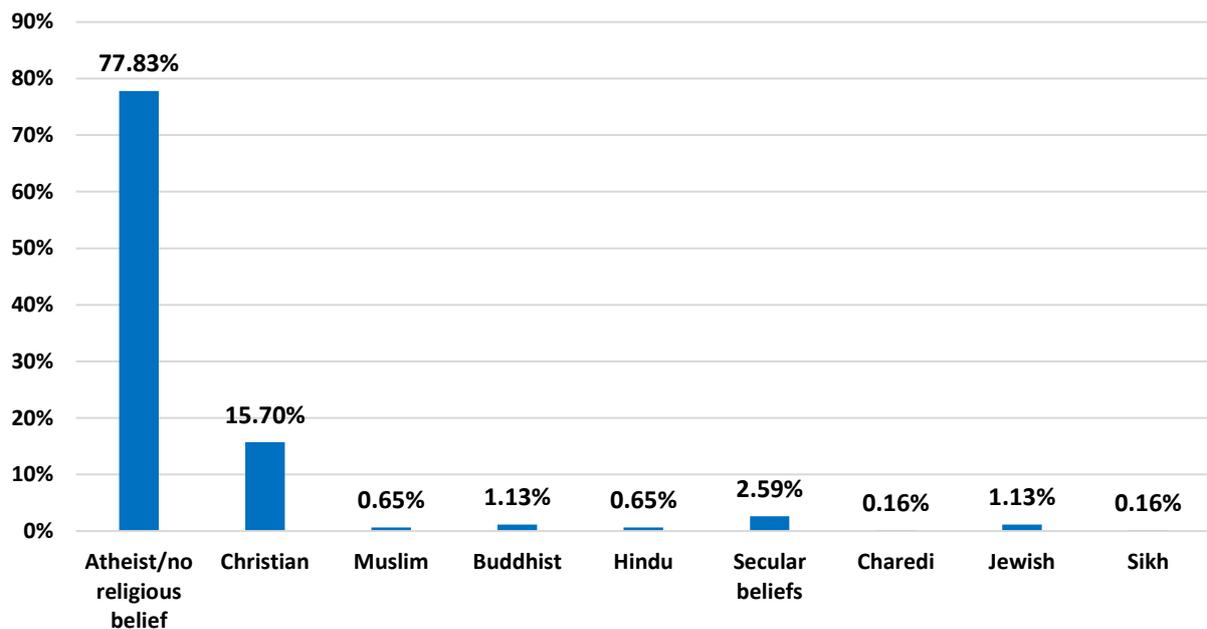
The majority of respondents stated “No” (634) to having caring responsibilities. A small percentage stated “Yes” (27).

## Ethnicity



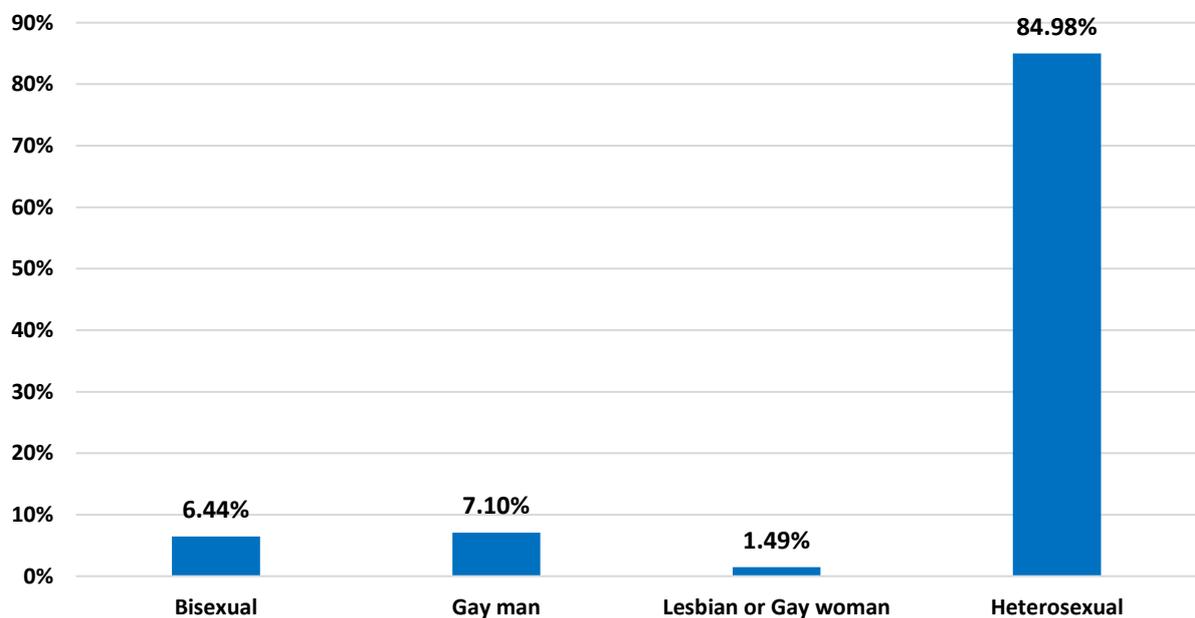
The majority of respondents stated that they were “White or White British” (527). All other ethnicities accounted for a much smaller percentage of respondents.

## Religion or belief



The majority of respondents stated that they are “Atheist/no religious belief” (481). The second highest was “Christian” (97), with all other religions or beliefs accounting for a smaller percentage each.

## Sexual Orientation



The majority of respondents stated that they were “heterosexual” (515). All other sexual orientations accounted for a much small percentage.

## **Summary of Information Event**

An information event was held in Hackney House, 27 Curtain Road, EC2A 3LT on Wednesday 22 November 2017 from 7pm to 9pm. The information event was an opportunity for those interested to find out more about the draft policy and the evidence that informed it. Members from the Licensing Committee and officers from the Licensing Team were on hand to discuss the draft policy and answer questions.

44 people RSVP'd to the event and 25 people actually attended, with attendees made up of both residents and owners of licensed premises. Below is a summary of the feedback from the event.

- Clarifications
  - How were the hours decided? Have they been cut down? Are they typical hours?
  - Does the policy cover existing licensees who apply for the new core hours?
  - What does it mean in the Draft Statement of Licensing Policy when it says 'diversity'? Why is 'diversity' included in the policy and can it be?
- Feedback on coordination
  - There needs to be coordination between licensing, planning and enforcement.
  - Is the Council cooperating with other boroughs?
- Feedback on SPA areas
  - SPA should cover London Fields and Mare Street
  - Dalston SPA should be expanded
- Feedback on loosening restrictions
  - Don't set further restrictions. We should support Hackney venues and represent wide range of views of residents.
  - Shoreditch and Dalston used to be late night area with places closing into the morning. Who would invest in a business that closes at 11pm?
  - People want to go out after midnight.
  - Night-time economy supports the arts, is good for tourists and good for youth employment. Shoreditch is a cultural asset and a place for night-time culture.
  - The policy will lead to partying becoming more unsafe with parties in flats and warehouses without regulation.
  - Restricting the supply will increase the value of existing businesses and result in independent businesses unable to afford rent. There needs to be emphasis on the quality of operators.
  - Should focus on fighting businesses that are a problem.
- Feedback on tightening restrictions
  - The problem is the night to morning economy. People park in residential streets in Shoreditch until midnight and leave at 3am - making noise in these areas.
  - Reduce the hours based on crime. 12pm is too late.

- How can residents make their views known in regards to licensing applications? There is a pro-business bias.
- Why are policies in favour of businesses?
- Not everyone gets to choose where they live - must take this into account when making policy.

## **We Love Hackney Campaign**

The campaign ran from 5<sup>th</sup> to 12<sup>th</sup> January 2018.

As quoted on [www.welovehackney.org](http://www.welovehackney.org).....

*“We are a group of Hackney residents and businesses who believe that Hackney is the most exciting borough in the greatest city in the world.*

*In August 2015, thousands of us we rallied to tell Hackney Council that its licensing consultation did not represent the views of all the borough’s residents. Just as the 24 hour tube arrived in London, Hackney Council wanted to take us back to opening hours of the 1980s. They said that new clubs and music venues in Dalston were “not considered appropriate”, and wanted to stop new venues opening at all in Shoreditch.*

*Our response argued that the vibrant local nightlife and cultural scene is not a nuisance – but one of the reasons many of us choose to live here. Hackney Council listened and withdrew their consultation, saying they wanted to “listen further to all voices and opinions”.*

*Please join our campaign and continue to show Hackney Council that we all want the same thing – a vibrant, sustainable, thriving place to live and work.”*

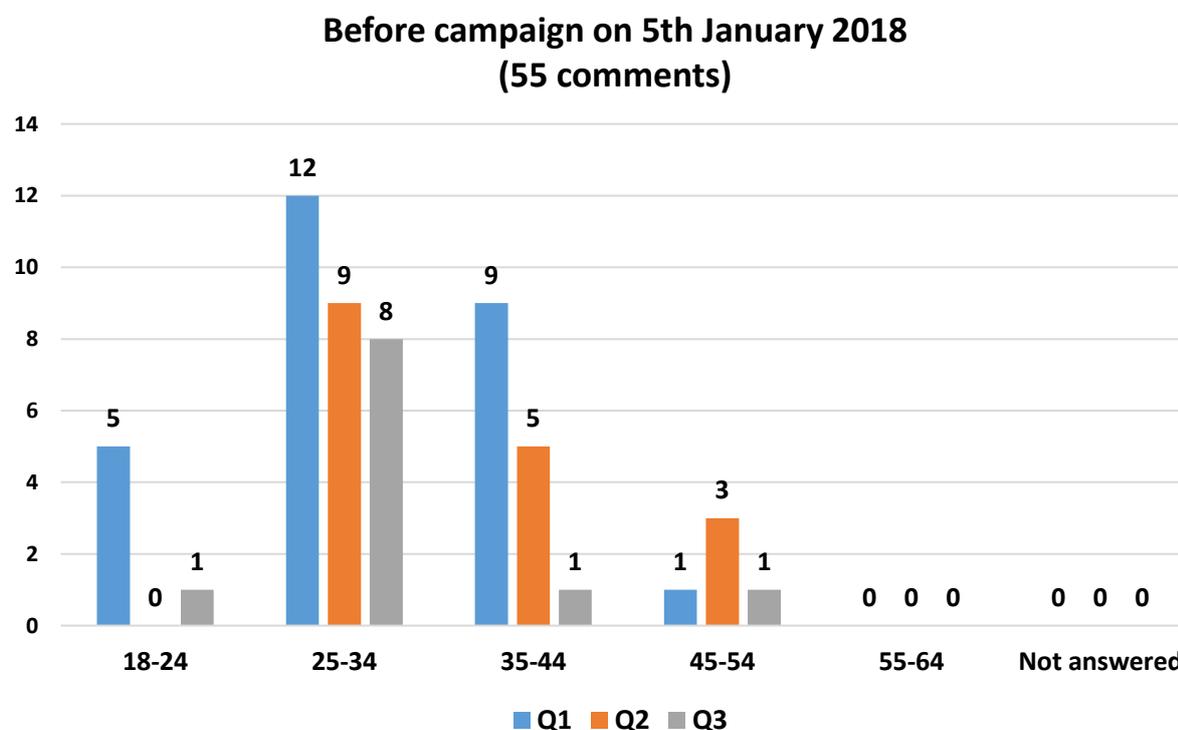
During the time of this campaign, 607 respondents completed the Licensing Consultation, whereas only 73 completed it from the start up until 4<sup>th</sup> January 2018. This shows how much of an impact the campaign had on people’s views and encouraged them to voice their opinions.

## Conclusion

The overall view of the proposed changes to the licensing policy were not very well received by respondents. Across all 6 questions that were asked, an average of 73% was a negative response towards the changes.

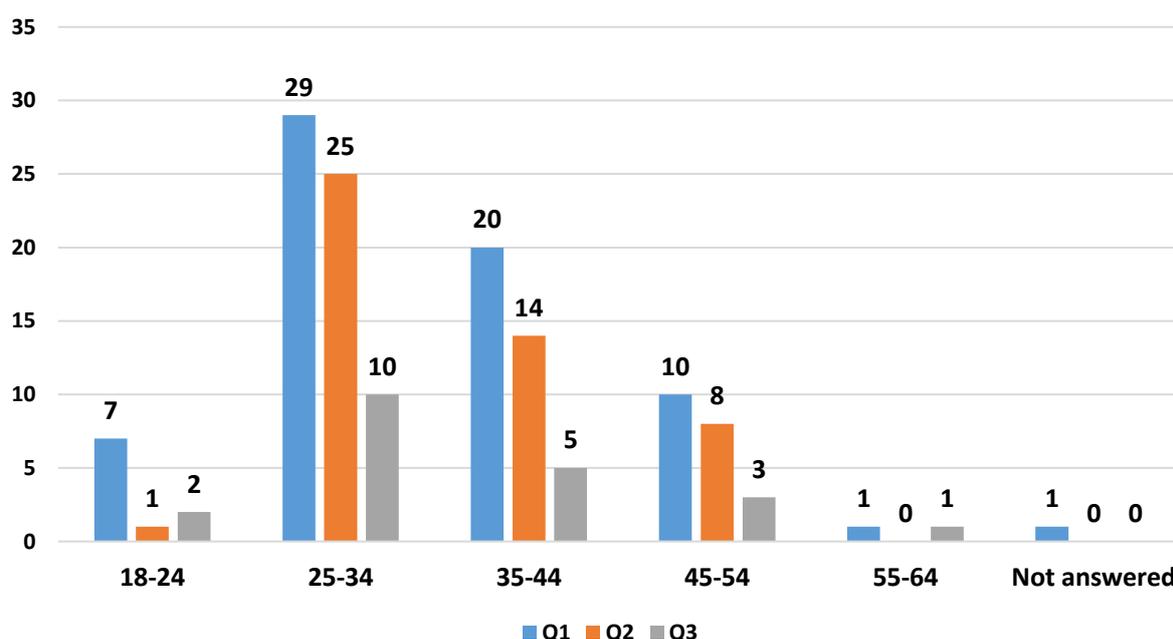
There were some key themes from the comments that were clearly repeated, with the main issue being that the changes will harm the current night time economy. This was the biggest factor among respondents, as they feel that Hackney has become such a vibrant and diverse place to be, and the nightlife is what brings people to the area.

Below is a chart which shows the breakdown by age group of respondents who commented about harming the night time economy for questions 1-3 before the 'We Love Hackney' campaign began on 5<sup>th</sup> January 2018 (55 comments) and during the campaign (137 comments):



The chart above shows that most respondents who made comments were in the 25-34 age group for the 3 questions before the "We Love Hackney" campaign.

**During campaign from 5th January 2018  
(137 comments)**



The chart above shows most respondents comments were in the 25-34 age group for the 3 questions during the “We Love Hackney” campaign.

It is clear from both charts that respondents made more comments regarding harming the night time economy in relation to the Shoredtich SPA than they did with the Dalston SPA.

A full list of the comments relating to the above chart are available upon request.

Upon considering all the responses, the majority view is that the proposed changes will also have an impact on local businesses and venues if core hours are introduced, which could lead to closing down and loss of earnings. Also, people will start to congregate on the streets earlier, including drinking and loitering, which will become a nuisance for local residents.

Many respondents felt that as London is a 24 hour city, then alcohol should be available to buy 24 hours a day and as adults there should not be a restriction on when they can buy alcohol. This would fall in line with other European cities, and with London being one of the most recognised and vibrant cities in the world this policy change would have a negative effect on the city.

It was also felt that as many people work all sorts of hours, and not the typical 9-5 job, those who work late nights may want to go for a drink after work and will not be able to, nor will they be able to buy from a local shop to take home. This would mean that people would stockpile alcohol at home, and along with early closure of venues, parties would continue back at the homes and again become a nuisance for other residents.

Those who were in favour of the policy changes, which across all 6 questions asked gave an average of around 14%, were local residents who stated that it is a good

idea to control the hours, especially for outdoor events and the noise this can bring till late. By having some sort of curfew on loud events would make some residents happier. Closing hours should be staggered to prevent piling on the streets of everyone leaving venues.

The data has shown that there is a lot of negativity towards the proposals, but it is difficult (with the limited qualitative information) to conclude as to why. Without knowing why residents and businesses would oppose this scheme, it is difficult to ascertain how to change it to mitigate the perceived negative effects of the proposal and/or get buy-in from the public. Therefore, perhaps more qualitative research is needed to understand why residents and businesses are so against the proposals.

# APPENDIX

Respondent	Comments
<p>Sgt G Hicks On behalf of Hackney Police Licensing Unit</p>	<p>I have served on Hackney Borough for 9 years, and for the last 5 years, I have been in the role of Licensing Sergeant. I write in response to the Council's consultation on the Draft Statement of Licensing Policy which is proposed to be effective from later this year until 2023.</p> <p>General Principles</p> <p>I welcome the proposed policy LP1. I would also seek to encourage a range of diverse activities within the borough from applicants. Whilst statistically, levels of alcohol consumption have fallen across the UK, mores businesses where alcohol sales/consumption are not the primary feature should be welcomed which will hopefully lead to a wider range of patrons enjoying what is on offer.</p> <p>Core Licensing Hours</p> <p>The Home Office guidance states that statements of licensing policy should set out an approach regarding licensed opening hours. I am aware that it has always been the Council's policy to 'not normally grant licences beyond midnight in residential areas'. However, I think that now is the right time to move to a core hours approach as proposed in LP3, recognising that the area has and will continue to change over the next 5 years. The desire to align the core hours to the deregulated times seems a sensible suggestion but it is important to stress that consideration must always be given to the individual merits of an application.</p> <p>Alcohol sales for consumption off the premises</p> <p>I am very much in favour of restricting times for the sale of alcohol for consumption off the premises as intended by LP4. In certain areas of the borough, the availability of cheap alcohol from off-licences is very much a problem and I share the view that these types of alcohol sales have had a negative impact on the promotion of the licensing objectives.</p> <p>External Areas and Outdoor Events</p> <p>I agree that despite their popularity, external areas and outdoor activity can often be the source of nuisance. I would add that they can also create opportunities for crime and/or disorder in certain situations. I therefore welcome the proposed LP6 which also makes it clear that applicant wishing to operate late should demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives.</p> <p>Temporary Event Notices</p> <p>Temporary event notices (TENs) continue to be a strain on my teams' resources with well over 2000 being received in each of the last 3 or 4 years. I think it is right that premises users should provide advance notice of events at least four weeks prior to the start date of the activity to allow for full and proper risk assessment of the event. My officers already expect any existing conditions to be maintained where relevant and am glad to see that this is reflected in the proposed policy.</p> <p>Special Policy Areas – Dalston and Shoreditch</p> <p>Shoreditch continues to be one of the key evening and night-time economy (ENTE) destinations in London. I even noted recently that TripAdvisor lists Shoreditch as the third neighbourhood for "nightlife" behind Soho and the City of London. Also notable is the number of cranes, worksites and hoardings in the area suggesting that many new sites will be coming on stream over the next few months. Many of these will feature more space for leisure/hospitality activities. Whilst I am sure this adds to the uniquely diverse and eclectic feel of Shoreditch, attracting visitors from across London and beyond, it does have its unfortunate negative side which cannot be ignored. The level of Police resource needed to tackle the negative impact cannot be underestimated.</p> <p>Dalston is another key ENTE in Hackney with a wide selection of pub, bars, cafes and restaurants along with a handful of nightclubs. Whilst not on the same scale as Shoreditch, Dalston has its own unique identity. However, it is an area that is still a concern due to the levels of crime and ASB as demonstrated by the evidence which suggests that policy based intervention in this area is appropriate.</p> <p>We will, as always, work with our partners at the Council, and venue operators wherever possible. However, in these two areas, it is very much the numbers and concentration of premises that collectively is causing harm to the promotion of objectives rather than poor management of individual premises. And the evidence shows a clear correlation between the locations of premises and subsequent availability of alcohol and the negative impact as a result of the licensable activities. So I do feel that it is right to expect applicants to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas. I therefore support the retention of the Shoreditch SPA as well as the extension of the boundary as proposed in LP10. I also support the retention of the Dalston SPA and the simplification of the policy approach. I believe that this is very much appropriate for the promotion of the licensing objectives.</p>



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	<p>constitutes as a best practice.</p> <p><b><u>General Principles Proposed</u></b></p> <p><i>General principles will guide all applicants within the borough, including within the SPAs.</i></p> <p><i>The general principles are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) ensure that applicants have taken into consideration the locality and context around their premises and</i></li> <li><i>(b) ensure that applications for evening and night-time activity reflect the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.</i></li> </ul> <p><i>5. How well do you think the proposed general principles can help to promote the licensing objectives whilst supporting a diverse range of businesses?</i></p> <p>Very well                      Well                      Don't know                      <b><u>Poorly</u></b>   Not at all</p> <p><i>Please provide any comments to support your response.</i></p> <p>The draft Statement of Licensing Policy rightly encourages diversification of the evening and night time economy: to cater to wider sections of the community, and encourage venues that offer healthy, nourishing food alongside alcohol. However, based on the Public Health Evidence Submission for the Licensing Policy Review we would urge that the guiding principles include a borough wide approach to the use of voluntary minimum unit pricing in reducing harm including in relation to crime and disorder. As referenced in the evidence submission, there are a number of Local Authorities in England which include reference to measures such as voluntary minimum unit pricing in their Statement of Licensing Policy. This is particularly relevant following the recent decision in Scotland's Supreme Court which ruled that minimum unit pricing was a "proportionate means of achieving a legitimate aim".</p> <p><b><u>Core Hours</u></b></p> <p><i>The core hours policy has been updated to reflect local circumstances. It sets out the generally acceptable hours of operation for licensable premises and activity throughout the borough.</i></p> <p><i>6. How well do you think the proposed core hours policy can help promote the licensing objectives?</i></p> <p>Very well                      <b><u>Well</u></b>                      Don't know                      Poorly   Not at all</p> <p><i>Please provide any comments to support your response.</i></p> <p>Proposals to limit the hours of sale are welcome. Longer hours of sale are linked to a range of harms, including crime and disorder, and the majority of alcohol-related ambulance pick-ups occur at the weekend, with the numbers increasing in the evening, particularly between the hours of 9pm and 3am.</p> <p><b><u>Off Sales</u></b></p> <p><i>The proposed 'off' sales policy sets out the generally acceptable hours for the supply of alcohol for consumption off the premises.</i></p> <p>Very well                      Well                      Don't know                      <b><u>Poorly</u></b>   Not at all</p> <p><i>7. How well do you think the proposed 'off' sales policy can help promote the licensing objectives?</i></p> <p>The licensing process focuses on drinking in bars, restaurants and clubs, but much alcohol-related harm is linked to alcohol consumption off the premises. On this basis, the clearer proposals around hours for the supply of alcohol for consumption off the premises are welcome. Long hours of operation for off sales was raised as a particular area of concern in the Alcohol Strategy Consultation by Hackney residents who had received treatment for alcohol misuse. However, further steps should be taken to limit the availability of cheap, strong alcohol, which is linked to a range of negative impacts including in relation to crime and disorder, health and productivity. In particular, national and international evidence summarised in the Public Health Evidence Submission for the Licensing Policy Review shows that one of the most effective measures in addressing this is through minimum unit pricing, which we recommend as a guiding principle for the revised Licensing Policy (see question 5 above). Public Health would also encourage further actions to address issues in relation to off-sales:</p> <ul style="list-style-type: none"> <li>• Consider re-launching a revised Responsible Retailer scheme, guiding licensed premises to implement best practice approaches to selling alcohol. This could include commitments to: <ul style="list-style-type: none"> <li>○ Implement voluntary minimum unit pricing</li> <li>○ Restrict the types of alcohol available / limit sales of significant strength</li> <li>○ Take a proactive approach and do everything possible to prevent sales of age restricted products to underage minors</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>Greater action should be included in the new Statement of Licensing Policy to address irresponsible and illegal off-sales, which enable children and young people to start drinking at a younger age, and/or to binge drink. In addition to a Responsible Retailer scheme, this could requiring premises to consider the types of alcohol sold at the premises and not sell single cans/drinks, and ensuring drinks promotions do not appeal to underage drinkers and/or encourage excessive consumption.</li> </ul> <p><b><u>Outdoor activities</u></b></p> <p><i>The proposed outdoor activities policy sets out the generally acceptable hours of operation for external areas, events and activities throughout the borough. If applicants would like to apply for hours outside of those generally acceptable, they can demonstrate that control measures have been implemented to mitigate any negative impacts and promote the licensing objectives.</i></p> <p><i>8. How well do you think the proposed policy can support outdoor events, activities and areas in Hackney whilst minimising any negative impact on local communities?</i></p> <p>Very well                      <b><u>Well</u></b>                      Don't know                      Poorly    Not at all</p> <p><i>Please provide any comments to support your response.</i></p> <p>Outdoor events may generate noise and nuisance to the detriment of residents' peaceable enjoyment of their homes, and on this basis we support policies that seek to ensure any negative impacts are mitigated.</p> <p>As part of the policy on outdoor activities, we would also encourage a voluntary smokefree outdoor scheme with local businesses and organisations which run events in parks and open spaces. This would reduce some of the nuisance and litter associated with outdoor events, and could be part of a responsible retailer scheme. Furthermore research suggests that having a smokefree outside area would encourage some people to stop smoking tobacco products. Voluntary schemes have been implemented in other areas, such as in Brighton and Hove and Bristol. Additional evidence on the impact of such schemes is presented in the Public Health Evidence Submission to the Licensing Policy Review.</p> <p><b><u>Comments</u></b></p> <p><b>Minimum Unit Pricing</b></p> <p>We would urge that consideration is given to a borough wide approach to the use of minimum unit pricing in reducing harm including in relation to crime and disorder, as highlighted in our response to question 5. Evidence summarised by PHE shows that a minimum unit pricing strategy would help to reduce alcohol-related harms. The cheaper cost of some alcoholic drinks has also been raised by residents and young people as an area of concern, in engagement and consultation as part of Hackney's Alcohol Strategy. Voluntary minimum unit schemes have been adopted by other local authorities (such as Newcastle City Council).</p> <p><b>Special Policy Areas</b></p> <p>Furthermore, based on evidence presented in the Public Health Evidence Submission to the Licensing Policy Review we would urge consideration for new Special Policy Areas in specific locations, particularly in areas which are already demonstrating saturation and associated issues with anti-social behaviour and alcohol related harm - such as Hackney Central.</p> <p>Data suggest there is a correlation between the number of alcohol-related ambulance pick-ups and the number of licensed premises that are allowed to sell alcohol. Patterns of alcohol-related ambulance pick-ups are found outside of the SPA boundary lines, particularly in the Shoreditch area. Also, the Hackney Central area, specifically the Broadway Market area, is showing similar patterns to the Dalston area and public health would recommend an approach which is preventative rather than reactionary in addressing the impact of alcohol sales.</p> <p>Feedback from other services also indicates that the concentration of licensed premises in Hackney Central risks undermining work of alcohol treatment services and homelessness/outreach services operating in the immediate area.</p> <p><b>Additional Proposals</b></p> <p>In addition to the above measures and the proposals outlined in the Licensing Policy Consultation we would recommend the following, based on evidence and rationale presented in the Public Health Evidence Submission to the Licensing Policy Review:</p> <ul style="list-style-type: none"> <li>Consider re-launching a revised Responsible Retail scheme, to guide licensed premises in implementing best practice approaches to selling alcohol.</li> <li>Explore opportunities to manage the drinking environment more effectively, particularly where this is based on sound evidence, e.g. use of polycarbonates</li> <li>Examine the impact alcohol deliveries are having in Hackney and incorporate new delivery related conditions within the next Statement of Licensing Policy, including a request for applicants to specify whether or not their service will include a delivery offer.</li> <li>Highlight the penalties for licensed premises that are found to be handling illicit goods and where illicit goods, such as tobacco,<sup>1</sup> have been found the Statement of Licensing Policy should state that that</li> </ul>

<sup>1</sup> Illegal tobacco is often available at cheaper prices, making it more accessible and appealing for children and enabling young people to start smoking. It also makes it harder for smokers to quit and easier for ex-smokers to relapse thus undermining the very services we offer to help people quit. It is also important to note that there are links between illegal tobacco and organised crime and that this form of illegal activity is recognised as both increasing the fear of crime and lowering perception of community safety.

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	<p>this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives. The Statement of Licensing Policy should also make it clear that licensees supplying illicit goods should expect the Licensing Authority to impose additional controls and sanctions and run the risk of losing their licence. This would also align with plans by public health to part fund a post in Trading Standards to work on enforcement around illegal tobacco and alcohol, and a commitment in the London Health and Social Care Devolution Memorandum of Understanding to establish a borough-led London-wide illegal tobacco and counterfeit alcohol enforcement team.</p>
<p>H Dalglish On behalf of Economic Regeneration</p>	<ul style="list-style-type: none"> <li>• The Late Night Levy was introduced to respond to impacts relating to the NTE, the proposed policy should acknowledge that and be more positive about the licensed trade.</li> <li>• Operators will expect the Late Night Levy to counter any arguments about the local authority not having resources to properly manage the NTE and its impacts on the resident community.</li> <li>• We feel that the positive impact of the NTE on the borough has not been researched or considered adequately in this proposal.</li> <li>• SPA approach does not tackle this issues raised by residents and rather by creating and maintaining a SPA the council is in one way restricting and further issues but actually just maintaining the current issues - therefore residents will presumably keep complaining.</li> <li>• Issues stem from bad operators and the SPA approach is too basic a strategy to deal with issues and penalises all businesses (including non NTE like Amazon).</li> </ul> <p><b>LP3 – Permitted Times</b></p> <ul style="list-style-type: none"> <li>- Too restrictive (12 midnight is too early and is clearly restricting the introduction of new night clubs)</li> <li>- Concerned that Hackney will lose its reputation and its status, thus having a knock on impact on businesses that support the NTE.</li> <li>- The policy sends an anti-investment message (Hackney is closed for business). We are not sure if there is full appreciation of the positive impact on wider inward investment.</li> <li>- Can be considered to be discriminatory as the proposal does not take into account particular minority groups socialising patterns.</li> </ul> <p><b>Association of Town and Cities Management &amp; LBH Commissioned Retail and Leisure Study 2017</b></p> <ul style="list-style-type: none"> <li>- Recognise the changing nature of the high street / town centre due to changes in consumer habits i.e. online spending</li> <li>- Fear that the proposed changes do not reflect changes in consumer habits and subsequent demands for space and its uses.</li> <li>- Lack of flexibility may result in increased voids</li> <li>- Lack of flexibility may impact on innovation.</li> </ul> <p style="text-align: center;"><b>PROPOSED CHANGES</b></p> <ol style="list-style-type: none"> <li><b>1. Changes to the SPA</b> <ul style="list-style-type: none"> <li>• We feel there is not enough evidence to warrant the proposed extension to the Shoreditch SPA or that the existing SPA that is in place has been successful in achieving its original aims.</li> <li>• It appears that the expansion of the SPA is in an area not particularly residential, so how has this been justified? There is an argument for more natural surveillance between the existing activity and Liverpool Street Station which now has 24 hour tube.</li> </ul> </li> <li><b>2. New general principles for applicants</b> <ul style="list-style-type: none"> <li>• We agree with the proposed change</li> </ul> </li> <li><b>3. New core hours policy</b> <ul style="list-style-type: none"> <li>• We understand that the core hours are included as an indication of what is likely to be accepted by a new application and that they can request and may be granted later hours on the basis on their ability to mitigate any identified risks, however, if this is case and applications will be considered on their own merit then the inclusion of the core hours table within the policy is not necessary and only acts as a deterrent to new business and inward investment within the borough. We feel it would be more beneficial to both concerned residents and prospective licensees to publish clear guidance on measures businesses should take if they want a late license.</li> <li>• The strategy outlined in the consultation document is basic and penalises all businesses by creating the opportunity for extremely busy kicking out times rather than staggering patrons leaving an area and potentially less ASB as a result.</li> <li>• We feel that the core hours policy is extremely restrictive and in opposition to the council's approach to promoting a vibrant economy, economic growth and in protecting diversity and culture.</li> <li>• We are concerned of the impact this could have on the diversity of the NTE in future, premises with existing late licenses will be disproportionately expensive to buy and unaffordable for independent businesses.</li> </ul> </li> <li><b>4. New policy on 'off' sales, the supply of alcohol for consumption off the premises</b> <ul style="list-style-type: none"> <li>• We agree with the proposed change.</li> </ul> </li> <li><b>5. New policy on outdoor activities</b></li> </ol>

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	<ul style="list-style-type: none"> <li>• Can there be different hours for Summer to Winter?</li> </ul>
Mr J I	<p>Dear Mr Tuitt,</p> <p>As you know, I have lived in Dalston for the last 30 years. The comments in response to the above consultation are based on my experience living in what has become Dalston's Special Policy area; making representations and attending licensing hearings and making complaints about licensed premises to responsible authorities.</p> <p>I broadly welcome the proposals except that I fear that for Dalston they represent a weakening of policy and may well allow highly disruptive premises longer hours and more 'flexible' conditions and that applicants and their legal representatives will use this to undermine the licensing objectives in the SPA.</p> <p>Please consider extending the Dalston SPA to the following sites:</p> <p>1) 10-14 Crossway N16 8HX (this is contiguous with 6 Crossway N16 8HX) is a large residential development with commercial units at ground floor level.</p> <p>2) 5 Crossway (Unit 1 5-17 Crossway N16 8LA) which is opposite the above on Crossway where planning permission has been granted for a very large multi-storey A3 unit also below a new residential block. It is likely that this will be operated by [REDACTED]</p> <p>The main issue for residents as ever with the ENTE is pollution, whether that is noise, light, smoke, smells, litter or human waste. Residents are subjected to the environmental fallout of this under-supervised activity and there is also the criminal activity of drug dealers, pimps and thieves.</p> <p>It is also generally overlooked that the obvious disturbances are accompanied by further logistical disturbances; much of which occurs after the ENTE has ended but before 7am.</p> <p>The Cost/Benefit analysis provided is very interesting. It is instructive that over half of LBH's total costs relate to two items alone - Waste collection &amp; disposal and Cleansing.</p> <p>It seems to me an oversight that 'The Hackney Evening and Night-time Economy Behaviour Study' by Phil Hadfield didn't consider Dalston on its own merits rather than as a comparator to Shoreditch. I am also concerned that Mr Hadfield doesn't seem to have considered the effect of TENs on the operation of licensed premises which he excluded from 'the post-01:00 operating premises'.</p> <p>Mr Hadfield says 'Wardens were a visible presence during the research', I can only assume these were laid on especially as I haven't seen any in years -moreover he doesn't consider that undoubtedly the ENTE is for the most part self-policed and susceptible as such and therefore needs clearly enforceable measures.</p> <p>The 'late-night dining scene at seated-service' would seem to be a misrepresentation or a muddling of terms. There really isn't much call for substantial table meals after 11pm and these businesses are very much alcohol led trade after midnight because at that time customers are only interested in drinking alcohol. A 1am limit would allow for additional alcoholic consumption which makes for noisier dispersals and the potential to clash with the dispersals from other non-food licensed premises. It should be acknowledged that the main food demand in the 'night-time economy' i.e. after 12am is a take away doner kebab and that after the consumption of alcohol. It should also be considered that many of the A3 premises are simply fronts for an alcohol based businesses - even with conditions tying alcohol consumption to meals and many of these other faux 'restaurants' are run on that basis.</p> <p>Like the many visitors to Dalston, Mr Hadfield likes the food on offer but he doesn't consider the accompanying liabilities or make any suggestions to mitigate these - as if they were cost free.</p> <p>For the all the Council's stated ambition concerning air quality the cumulative impact of smoke from grill restaurants should be given proper consideration and specifically considered in the expression of licensing policy. This air pollution in addition to the already considerable measured levels of pollution from the A10 and busy cut through roads such as Crossway and Shacklewell Lane is a continuing scandal. Grill restaurants in my immediate vicinity include [REDACTED]. The smoke pollution is considerable and the Council consistently ignores the collective harm they cause. These named restaurants are just the grill restaurants, there are many other restaurants without grills in the immediate vicinity and many other grill restaurants locally. The smoke and smells are often very noticeable in residents' dwellings and at pavement levels. Personally, I have been severely affected by irritation to my throat and lungs by concentrated smoke and the cumulative impact of so many grill restaurants in close proximity.</p> <p>There is also a plethora of licenced premises which don't offer food and aren't officially A4 premises but are bars in all but name as their business is based on alcohol consumption, these are the so called 'social clubs' or 'sports venues'.</p> <p>Music venues pose a particular problem. In short, amplified music desensitises patrons to noise, whilst alcohol dis-inhibits. It's simple, yet this inconvenient truth is consistently overlooked by those entrusted with upholding</p>

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	<p>the licensing objectives. This is the simple equation that causes much of the dispersal noise that harms our community.</p> <p>I write this having being woken up at 2.30am on a Friday morning (12th January 2018) otherwise known as a Thursday night by a rowdy drunken dispersal lasting over an hour from [REDACTED] 'This Kingsland High Street hang out is a bit of a face on the east London party scene'. This isn't unusual but despite previous complaints the very same nuisance re-occurs regularly. There is no official to witness such occurrences - and no prospect of one.</p> <p>Supervision is required; LBH should in the least be able to witness amplified music breakouts and noisy dispersals when they occur in Dalston's special policy area to inform later enforcement. At times the lack thereof means complete chaos on the streets such as on Bank Holiday weekends or when there are 'events'.</p> <p>The enforcement situation is also confused, especially if you look at LBH's website. Any improvements to compliance from the loss of licensing enforcement is yet to be proven. My anecdotal evidence is that it hasn't. I haven't seen any evidence to suggest otherwise. What has happened?</p> <p>What is needed most of all is somebody at LBH to be accountable for the management of the ENTE in the Dalston SPA. If there is such a person please let me know. In the meantime, residents are counting the costs in both Council Tax and in harm to their lives whilst licensees make big profits on alcohol sales.</p> <p>There is a reluctance to review licences and to change conditions of licences many of which have been traded and/or are outdated, ill-suited or inapplicable to their current operation. No change there.</p> <p>Finally, I quote Cllr Plouviez, Licensing Chair from the Hackney Licensing Policy Consultation document introduction.</p> <p>'We think that this draft policy is fair; we are asking applicants to prove to us that they will act responsibly and take into account the rights of residents. We will consider applications on their own merit and will support licensees to do a good job, but will always take actions when they don't meet the high standards we expect.'</p> <p>Really? What if an applicant went to a licensing hearing, made several false representations, was granted a licence on the basis of those false representations, and then made further applications and presented further falsehoods to improve that licence on more than one occasion until it was proved that he was completely dishonest? What would happen then?</p> <p>In the case of [REDACTED] - absolutely nothing. How has that happened?</p>
<p>On behalf of Jago Action Group, Residents Association</p>	<p><b>Summary</b></p> <p>Here is the response of the Jago Action Group (JAG) to the Licensing Policy Consultation. While there is much in the consultation proposals - which are actually fairly modest and well precedented, as well as overdue - to welcome, we feel they need further enhancement in some areas.</p> <p>For your convenience, after a scene-setting section, headings 3 to 7 in this letter use the same headings as are in the 8-page consultation document. The final section 8 then raises other issues, including some very important ones.</p> <p><b>2. Context</b></p> <p>2.1 The area we represent is east of Shoreditch High Street, from Bethnal Green Road in the south to Old Nicol St in the north and, to the east, across Boundary/Ebor Sts into the neighbouring borough of Tower Hamlets (TH). This area is primarily residential, with a substantial minority of commercial premises - offices, studios, workshops, retail shops and businesses in the hospitality trade.</p> <p>2.2 Within this relatively small area, no more than 3 blocks by 5, we count a total of 56 licensed premises. 54 are bars, clubs or restaurants; there is also a sex establishment and a supermarket off licence. Half are licensed by Hackney (including a few that cross the borough boundary) and half by TH.</p> <p>2.3 Before turning to the problems associated with aspects of the 'night time economy' (NTE) it is important to recognise that the majority of these licensed premises are run responsibly and see themselves as part of the neighbourhood. The area has always been a 'live/work' locality and the hospitality industry has always made an important contribution; for example now providing lunchtime cafes for residents, workers, shoppers and other visitors and early evening bars, pubs and restaurants.</p> <p>2.4 The problems we face have been documented for the consultation and by TH prior to its decision to include their part of our neighbourhood in the Brick Lane Cumulative Impact Zone (CIZ). In section 8 we comment how in some ways the problems are even more serious. However these problems are associated with:</p> <ul style="list-style-type: none"> <li>the overwhelming number of bars, clubs and restaurants, far more than the half dozen or so 10 or 20 years ago; and</li> </ul>

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	<ul style="list-style-type: none"> <li>• the disproportionate impact of a few establishments that cynically exploit the neighbourhood and its 'hipster' reputation with no regard for the immediate impact on residents and legitimate businesses, nor any regard for the long term damage to what makes the area so attractive.</li> </ul> <p>2.5 This clearly poses a challenge for licencing policy. It has to deal with the limited number of exploitative businesses - and the lawyers who advise and advocate for them - while being fair to the majority of businesses in the hospitality trade who approach matters more responsibly, as well as fair to residents and other types of business.</p> <p>2.6 As I said at the Hackney House consultation event - and undertook to repeat in writing - where there are conflicts these should not be regarded as 'residents vs business'. Our neighbourhood welcomes both residents and businesses. The conflict is with a relatively small number of venues.</p> <p><b>3. SPAs &amp; cross-boundary co-operation</b></p> <p>3.1 The JAG strongly supports the proposal to extend the Shoreditch SPA to the boundary with TH and thus join the SPA to the CIZ. This straightforward, common sense proposal is well overdue.</p> <p>3.2 At present, the licensing policies in the SPA and in the CIZ are similar, based in both areas on the statutory guidance issued by the Home Office under the Licensing Act, but there is a strip in between on either side of the High Street where a laxer policy applies. This is a nonsense, to be corrected.</p> <p>The strip each side of the High St suffers from exactly the same cumulative excesses as the rest of the wider area to which the SPA and/or CIZ policies apply and should be treated similarly. The effect of licences issued within this strip is to undermine the intentions of both boroughs as NTE customers can -and do, unless totally inebriated - move from the CIZ to the intermediate strip to the SPA and back again (and vice versa).</p> <p>3.3 Extending the SPA would help align the policies applying both sides of the borough boundary, which runs through our neighbourhood, but much more is needed to ensure effective co-operation between the two boroughs over NTE issues and to ensure there are seamless connections between licensing policy, licensing decisions and enforcement as well as close ties to other functions. For example we are aware of a case in which the police in one borough refused to accept a report about drug taking in that borough because the caller was phoning from the other side of Ebor/Boundary Street. The police report ultimately to the same Commissioner, so it is perhaps not surprising that co-operation between licencing, enforcement, planning, environmental and public health teams in the two boroughs appears little better. To take another example, premises on the High St closed by Hackney following a licence review would very likely have re-opened under a TH 'off' licence had we, as a residents association, not realised this was the likely effect of an application by the owner, who had other premises in TH. The licensing teams appeared not to be in communication.</p> <p>3.4 The draft policy says very little about co-operation with other boroughs. <b>We strongly urge that the final policy should include a firm commitment to strengthen co-operation so residents of both boroughs near the boundary receive the support intended by national legislation, and common sense, irrespective of which borough is strictly responsible, together with a timetable for bring practical improvements into effect.</b></p> <p>3.5 We would be happy to contribute to developing protocols to achieve this aim.</p> <p>3.6 There is also considerable concern that the policy no longer refers to the grant of new or extended licences in the SPA being 'exceptional'. We understand that making 'exceptionality' part of the policy is difficult, under the Home Office guidance. However to provide reassurance we suggest adding a sentence, around para 3.4, like 'The impact of this policy is expected to be that new or materially extended licences will be granted only exceptionally in the SPA'.</p> <p><b>4. Principles</b></p> <p>4.1 We understand and support the aim of this approach, although regrettably everything in the final written statement of the borough's policy needs to be checked to ensure it is 'lawyer proof' as the unscrupulous minority of applicants will abuse anything that is not.</p> <p>4.2 In particular, we very much agree that part of the Shoreditch problem is that some licensees do not understand - or choose not to understand – the neighbourhood in which they are operating. Proposed general principle LP1(a) is therefore welcome. However, this may simply prompt a 'tick box' response by some applicants, who will get their lawyers or other advisors to produce a compendium of information about the area and claim that justifies the grant of a licence. The real issue is not just whether licensees understand the area, but whether they make use of that understanding and want to be part of the neighbourhood. Responsible licensees do want to be part of the area in which they operate, not least because it is in their commercial interests to attract regular customers who live or work locally.</p> <p>4.3 <b>We therefore suggest expanding LP1(a) slightly by adding ',and intend to play a constructive role in it,' after 'located'.</b></p> <p><b>5. Core hours</b></p> <p>5.1 In general we support these modest and well-precedented proposals. It will however be essential to</p>

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	<p>ensure that the proposed hours are not seen as an entitlement to be adopted irrespective of circumstances.</p> <p>5.2 As the evidence summarised in appendix C indicates, problems in our neighbourhood emerge mainly from about 8pm onwards, some three or four (on Fridays and Saturdays) hours earlier than the proposed core hours. The impact of some premises is also a particular concern for families with young children, who want to get them to sleep in good time, not at 11pm or midnight.</p> <p>5.3 <b>We therefore favour stronger wording to make it clear that earlier, including substantially earlier, hours may be imposed where circumstances - including the proximity of family homes and the degree of existing noise pollution - justify this.</b> Incorporating references to family homes and noise pollution into the final para of draft LP3 would help achieve this.</p> <p><b>6.'Off' sales</b></p> <p>6.1 We have only one convenience shop with an 'off' licence – a Sainsbury's that closes at 11pm. However there is certainly a problem arising from some off licences nearby and generally we support the proposed policy.</p> <p>6.2 That said, we would be cautious about blaming too much of the problems that do exist on neighbourhood corner shops, many of which actually play an important role in the community.</p> <p>6.3 Most of the problems arise from the activities of the unscrupulous minority of operators of bars, clubs and some restaurants. We therefore suggest <b>adding add the end of draft LP4 'and 'off' sales from premises with an 'on' licence may be further restricted or refused.</b> This in fact reflects the attitude the license sub-committee often currently takes and it would be odd to omit it.</p> <p><b>7. External areas</b></p> <p>7.1 We also support the focus in the draft on external areas and outdoor activities as these can obviously cause serious problems of noise pollution. Our concern is primarily about the impact of external areas used as, or as an adjunct to, a bar or restaurant day in and day out; the occasional concert in a park is different. <b>It is however essential that the end hour mentioned in draft policy LP6 be changed to 9pm (21.00) or earlier.</b>2 Please see the comments we make earlier about trouble from 8pm onwards and the impact on children. The JAG also has a number of agreements with responsible local premises that they will close outdoor areas by 9pm. We have found most licensees accept 9pm is a sensible, indeed the normal, compromise between residents who may prefer earlier and the licensee's commercial interest. Including a later hour in the final policy could inadvertently undermine these agreements and make matters worse, not better, in our neighbourhood.</p> <p>7.2 To avoid licensees erecting a tent, glass screen or some other flimsy structure and claiming an outdoor area is now indoors, we suggest requiring the licensee to demonstrate that the structure substantially attenuates noise and vibration. This requirement could be inserted after para 2.30.</p> <p><b>8. Other issues</b></p> <p>8.1 <b>The draft wording at 2.8 of the policy is too narrow</b>, in its reference to 'under the direct control of the licence holder', and hence a gift to licensing lawyers, who will no doubt argue it would not, for example, cover someone 2 Another Hackney House point I undertook to record. vomiting in a doorway opposite a bar. We suggest deleting the second half of the final sentence from 'and' onwards.</p> <p>8.2 At para 3.3 of the draft, the impact of the SPA is described in two slightly different ways. Again this is a potential gift to licensing lawyers acting for unscrupulous operators. We understand the policy to be that:</p> <p style="padding-left: 40px;"><i>The applicant will need to demonstrate through their operating schedule that there will be no additional negative cumulative impact on any of the licensing objectives in order to rebut the presumption of refusal.</i></p> <p>This could be <b>inserted in place of the existing final sentence of draft para 3.3</b>, and highlighted so it is clear it is the definitive statement of the policy. (The present draft sentence is also arguably ambiguous as to whether an applicant has to show they will not add to the negative cumulative impact in respect of all four or just one licensing objective.)</p> <p>8.3 At annexe C, the behaviour study of Shoreditch should, based on our experience, also cover:</p> <ul style="list-style-type: none"> <li>• the problems caused by alcohol off-sales from bars and restaurants not just from independent shops (see above);</li> <li>• female as well as male on-street urination, defecation and vomiting (although less common; women also tend to squat between cars while men aim for doorways);</li> <li>• very substantial on-street drug-dealing (although TH has paid for additional police who are finally having some impact)</li> <li>• very serious problems of noise pollution, from licensed premises and from inebriated groups in the street both outside premises where they have been drinking and elsewhere (if they are sober enough to walk);</li> </ul>

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	<ul style="list-style-type: none"> <li>• inebriated groups, and a few individuals, intimidating and threatening residents and visitors and in a few cases inflicting actual violence, as the crime stats quoted in the same annexe confirm.</li> </ul> <p>8.4 The draft pool of conditions at annexe E is a potentially valuable addition to the licensing policy. We support it, although regrettably again it needs to be 'lawyer proof'. We suggest:</p> <ul style="list-style-type: none"> <li>• condition C4 and/or condition G4 needs to include an <b>obligation on the licensee to actually answer the phone</b> to receive complaints (in terms that can be checked by enforcement officers) as the standard practice of some operators is to ensure their phone is not answered while they are causing problems, so they can claim there have been no complaints;</li> <li>• condition G13, and N2, are <b>the only mention of dispersal policy and need to be much stronger</b>. Experienced SIA door staff are actually often very good at encouraging customers to disperse quietly. (As one of them put it to me 'its easy because we are sober and they are not').</li> <li>• The licensing sub-committee should have the option to <b>require a licensee to ensure customers disperse as quietly as possible</b>. The noise from groups of drunks outside premises at closing time is a major issue for residents;</li> <li>• section N deals with noise as well as odour management. We think it essential that: <ul style="list-style-type: none"> <li>○ the policy does not sanction the idea that if background noise is high (eg from traffic) it is acceptable for licensed premises to make a similar amount of additional noise; this is often the approach taken by noise consultants hired by licensees. As with other pollution, <b>the approach should be that if pollution levels are already high this is a reason to add less not more</b>;</li> <li>○ the policy on <b>amplified music at N4, 6, 7,10 &amp; 12 should be applied equally to amplified voice</b> (an MC screaming through one's window can be as disturbing as what follows). This could be done by referring to 'amplified sound' rather than just 'amplified music'. And where appropriate it should also apply to <b>unamplified voices</b> (large excited and drunk audiences can be loud);</li> <li>○ the practice of some operators is simply to turn the volume up when they think they can get away with it. At condition N6, could the 'locked, tamper proof' box be under the control of the pollution team or another external and independent person? Is this the effect of N15?</li> <li>○ at N11 and elsewhere we would prefer to <b>avoid the term 'noise nuisance'</b> as this has been interpreted at a reference to nuisance under the Environmental Protection Act rather than to the evident intentions of licensing sub-committees. How about 'noise pollution'?</li> <li>○ at N16, why the distinction between premises attached to licensed premises and premises at a distance? We would prefer the presumption to be that the sub-committee could require both to have fresh air. This would be achieved by deleting the first sentence, with consequential drafting changes to the others. In any case, the issue with attached premises is more likely to be vibration than air-transmitted noise.</li> </ul> </li> </ul> <p>8.5 Draft conditions W deal with waste but there also need to be <b>options to deal with deliveries</b>. Out of hours deliveries, especially those involving rolling beer barrels into cellars or lugging crates of bottles in and out, can be a major noise pollution problem. We have agreed with some premises that noisy deliveries take place after 8am. This could be added to W2.</p>