Hackney

Statement of Licensing Policy

2018 – 2023

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SECTION 1 – LICENSING IN HACKNEY

1. Purpose and Scope

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

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

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

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

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

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

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

Review of the Licensing Policy

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

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

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

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

1.8 The Council will give due weight to the views of those consulted, making appropriate amendments to the Policy accordingly. In determining what weight to give to particular representations, the following factors will be taken into account:

1.9 Who made the representation (what was their expertise or interest)
- What the motivation was for their views
- How many other people expressed the same or similar views
- How far representations related to matters the Council should include in its Policy.

Hackney: The Place

1.10 The London Borough of Hackney is an established centre for culture and leisure in London with over 1200 premises authorised under the Act in an area of just 19 square kilometres.

1.11 According to the Office of National Statistics 2013 mid-year estimates, Hackney's population stood at 257,379. This, as well as Hackney's relatively small geographical area makes it one of the most densely populated boroughs in London. This population set to increase further to over 298,000 by 2031.

1.12 The vibrant mix of entertainment and leisure activities in the Borough makes Hackney attractive to visitors and an exciting place to live, not only at night but in the daytime and early evening too. It is an example of how diverse attractions can co-exist and complement one another. This greater choice encourages people to travel into the Borough to enjoy their leisure time, generating jobs and business opportunities.

Hackney Strategies

1.13 The Council's vision is to achieve balanced, sustainable communities and neighbourhoods which celebrate our diversity and share in London's growing prosperity, to enable a good quality of life for all. In consultation with its partners it has developed and adopted a number of strategies, policies and plans that set out how it intends to achieve this vision.

1.14 Regard should therefore be given to the available data, findings, shared vision and plans informing Hackney's Sustainable Community Strategy (the "Strategy"). The Strategy sets out the Council's overarching vision for Hackney as it grows and changes over the next decade. It will provide a backdrop for all decision making throughout this period and a focus for working in partnership with residents, businesses, the voluntary and community sector and statutory agencies. The Strategy builds on what residents have told the Council about the challenges and opportunities presented to those who live and work in the borough.

1.15 The Strategy will help the Council respond to residents' experience of living in the borough, thinking about how the Council will co-ordinate activity and collaborate with partners to think about the whole place, rather than just running individual services. This will help put the needs, perspectives and feelings of the whole community at the heart of what the Council does through a time of continued change and uncertainty.

1.16 The Strategy will set out the overall aspirations for Hackney in 2028 and then breaks this down into five key, crosscutting themes. Under each of the themes is a set of

commitments the Council is making to move toward Hackney in 2028. The 5 crosscutting themes are:
1. A borough where there is a good quality of life and the whole community can benefit from growth
2. A borough with residents who are ambitious, engaging and want to contribute to community life
3. A green and environmentally sustainable borough
4. An open, cohesive, safer and supportive community
5. A borough with healthy, active and independent residents

1.17 Regard has also been given to the responsibility under the Council's planning regime and in particular the new borough-wide local plan, known as LP33. This will be the key strategic planning document which will establish a vision and planning policies to direct and guide development in Hackney up to 2033. The plan is critical in ensuring that the right amount of development is built in the right place at the right time so that the future needs of the borough are met.

1.18 In order to deliver continued growth and regeneration in the Borough, the Council must ensure a robust planning framework is in place. At the moment there are three key documents (Core Strategy, Development Management and Site Allocations local plans). LP33 will combine and update these documents into a single clear document, helping to support growth and regeneration and provide clarity to our residents.

1.19 In devising this Policy, regard has been given to the findings of the Community Safety Strategic Assessment, which outlines priorities for reducing crime and disorder and tackling drug and alcohol misuse.

1.20 The Council's Alcohol Strategy, which will set out the Council's priorities for reducing alcohol related harm over the next three years, has also influenced the development of this Policy. The Alcohol Strategy draws the views of residents and partners as well as the range of local and national evidence summarised in the Councils Health and Wellbeing Profile.

Partnership Working

1.21 Whilst it is acknowledged that night-time economy premises contribute to the vitality and vibrancy of life in town centres by attracting visitors and investment into the Borough, the Council believes they should not unduly detract from the local residential amenity. The Council will continue to work in partnership with the Police, local residents, businesses, licensees and community and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.

1.22 Partners such as the Metropolitan Police, Environmental Protection, Community Safety, the London Fire Brigade, Trading Standards, Public Health and Planning Enforcement work together to address the negative impacts of the night-time economy when they arise. This joined up approach is demonstrated through regular intelligence meetings as well as multi-agency joint enforcement operations.

Children

1.23 In certain circumstances where children will be present at a licensed premises the Council expects responsible adults to be present to control children's access and to ensure their safety. Measures must be taken to protect children from hazards and

risks such as gambling, drugs or drug taking, entertainment of an adult nature and incidents of violence or disorder as well as preventing underage sales.

1.24 There are a range of alternatives which the Council may consider for limiting the access of children which include, but are not limited to:

- a limit on the hours when children may be present;
- a limitation or exclusion when certain activities are taking place;
- the requirement to be accompanied by an adult;
- limited access to parts of the premises; and
- excluding persons who are under 18 years from the premises when any licensable activities are taking place.

1.25 However, the authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.

1.26 The Council will expect cinemas to stipulate that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. Similarly, theatre productions should be suitable for the audience present with consideration given in advance to the content and nature of the production.

1.27 Where an authorisation for the sale or supply of alcohol is in place, there is a requirement for the mandatory condition in relation to age verification to be attached. The Council supports the promotion of 'Challenge 25' schemes, but also recommends additional measures be put in place. For example, regular documented staff training, relevant notices to be displayed and the use of a register to record refusals of alcohol sales.

1.28 In recent years, incidents of child sexual exploitation (CSE) taking place in licensed premises have been of particular concern across the country. Whilst there has been no specific intelligence suggesting incidents have taken place in Hackney, the Council will work via existing partnerships, including the licensed trade, to ensure that any concerns in relation to CSE can be tackled and addressed appropriately.

Public Health as a Responsible Authority

1.29 Many people enjoy consuming alcohol safely and in moderation. However, the increase in harm caused by alcohol misuse is rapid and widespread, both in health terms and community safety. Nationally, alcohol-related deaths have doubled since 1992, a rate unheard of in almost all other illnesses. Among men aged between 15 and 59, alcohol is the leading risk factor for premature death. Alcohol-related harm is not confined to a minority of very heavy drinkers who experience acute problems. The greatest harm overall is suffered by the large population of regular drinkers whose exposure to alcohol has long-term consequences for their health and wellbeing.

1.30 The Local Alcohol Profile for Hackney shows that the Borough has significantly higher alcohol-specific hospital admissions for men than the national and London average. Evidence also demonstrates that alcohol also drives inequalities: people from more deprived groups suffer far greater harm from alcohol than people in higher socio-economic groups. The consumption of alcohol by children and young people can negatively impact on their health as well as other aspects of their lives, such as

educational attainment and future employability. Alcohol is often a significant contributor to the local levels of hospital admissions, injury and domestic violence.

The Licensing Authority as a responsible authority

1.31 The Act enables the Licensing Authority to act as responsible authorities in its own right. These powers have been delegated to officers within the Council's Licensing Service. Officers may choose to intervene where they consider it appropriate for the promotion of the licensing objectives without having to wait for representations from other responsible authorities. For example, where an application is in a cumulative impact area and officers have concerns about additional harm, they may make a representations to that effect. Also, where an application is received in respect of a premises which has a history of complaints which mean that additional activity may undermine the licensing objectives.

1.32 The Licensing Service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will also be different from the officer acting as the responsible authority.

SECTION 2 – SPECIFIC POLICY CONSIDERATIONS

2.1 The Policy does not prevent an applicant's right to apply under the Act for a variety of permissions; nor does it override the right of any person to make representations on an application, or seek a review of a licence or certificate.

2.2 The Council cannot reject an application for a licence or certificate, or impose conditions, unless relevant representations have been made. This also applies to premises in a Special Policy Area.

2.3 The measures to be taken should be proportionate to the level of risk; for example, a busy town centre nightclub will be expected to take far more precautions than a small local restaurant.

2.4 Where insufficient detail is provided in the application to satisfy responsible authorities and other persons, this is likely to lead to representations being made.

2.5 The Act requires certain mandatory conditions to be attached to licences. The mandatory conditions override any pre-existing conditions and do not have to be specifically included on licences authorising the sale of alcohol for consumption on the premises. These are appended to this document.

2.6 The Council must be satisfied that it is appropriate to attach conditions, other than those volunteered under the operating schedule or by mandatory conditions where its discretion has been triggered by a representation.

2.7 The Council will not implement standard conditions and will as far as possible avoid the attachment of conditions that duplicate other regulatory regimes.

2.8 Where appropriate, the Council will attach individual and tailored conditions on an authorisation that are reasonable, proportionate, and yet not over-burdensome. These must be robust enough to promote the licensing objectives and will be related only to those matters under the direct control of the licence holder.

2.9 Applicants, responsible authorities and the Licensing Authority when preparing or considering applications should refer to the Pool of Conditions which is appended to this document. This will to assist in demonstrating or establishing that the operation of any authorisation will not undermine the licensing objectives.

2.10 The Pool of Conditions and any other relevant appendices contained within the policy will be updated, as appropriate, to assist anyone involved in the application process. The date of any update will be indicated on each relevant appendix.

General Principles

2.11 The general principles will normally be applied in each case where the Council is considering an application for a premises licence, club premises certificate, variations to those or a provisional statement.

2.12 The Council will, where possible, seek to encourage a range of diverse activities within the evening and night time economy. Applications for activities where alcohol consumption is not the primary feature will generally be welcomed so as to broaden the appeal to a wider range of consumers.

2.13 Applicants should note that operating schedules that are lacking in detail are more likely to be refused, have hours restricted, or have conditions attached to them by the Licensing Authority or by Responsible Authorities.

LP1 General Principles

The Council expects applicants to demonstrate:

(a) That they have an understanding of the nature of the locality in which the premises are located and that this is has been taken into consideration whilst preparing the operating schedule.

(b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

Licensing Objectives

2.14 Each of the licensing objectives are of equal importance and therefore each needs to be considered with equal weight.

2.15 The Council expects applicants to risk assess their proposals and put forward measures aimed at promoting the licensing objectives.

LP2 Licensing Objectives

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

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

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

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

Core Licensing Hours

2.16 The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The hours for licensable activity will always reflect the individual merits of the application any relevant representations received as well as the requirement to promote the licensing objectives.

2.17 However the Council is also mindful that the Borough is amongst the most densely populated in London with large numbers of residential premises often close to areas of commercial activity as well as other mixed-use neighbourhoods. The Council will therefore take an approach to licensing hours that seeks to balance the needs of the licensed trade whilst protecting residential amenity in order to promote the licensing objectives.

2.18 The Core Hours have been designed to be generally aligned with hours of activity that have been deregulated by other legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council's own experience since the commencement of the Act as activities during these time are generally considered to be acceptable.

2.19 If a request is made for later hours on the basis the premises is operating as a restaurant, for example, the Council expects this to be that of a genuine restaurant operating with background music only and with alcohol being ancillary to a full table meal with seated waiter/waitress table service. It is expected that the premises will have a dedicated floor space for a kitchen and food preparation.

2.20 However, it should be noted that some activity and any associated hours may be deemed inappropriate in certain circumstances and in certain areas of the borough as nuisance to residents is more likely to occur at night and in the early hours of the morning.

LP3 Core Hours

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

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

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

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

It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.

Alcohol sales for consumption off the premises

2.21 Evidence from the Police and Public Health suggests that the availability of alcohol from premises authorised to sell alcohol for consumption off the premises has had a negative impact on the promotion of the licensing objectives.

2.22 There are particular concerns that alcohol sales of this nature are more likely to lead to incidents of anti-social behaviour, such as street drinking and pre-loading.

2.23 A study commission by the Council showed that the Borough appears to have a large number of convenience stores/supermarkets that are licensed to sell alcohol until the early hours of the morning. Many of these are located in and amongst the entertainment/food and drink premises.

2.24 The study also found that patrons have access to relatively cheap off-sales alcohol from local stores to supplement the alcohol purchased and consumed in the 'on-trade'.

LP4 'Off' Sales of Alcohol

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

Planning Status

2.25 The Council recognises that the licensing process should not be seen as a re-run of any planning process and that there should be separation between the planning and licensing regimes to avoid duplication and inefficiency.

2.26 Applicants for a premises licence need to be aware that the granting of a licence under the Act does not negate the need to obtain planning permission. Premises operating in breach of planning permission may be liable to prosecution or other enforcement measures under planning law. Applicants are therefore recommended to obtain the correct planning use for the type of premises they seek to operate.

2.27 There will be circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises. Where these hours differ from the hours authorised under Licensing, the operator will need to abide by the earlier closing time.

LP5 Planning Status

Licence applications should normally be from premises where:

(a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.

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

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

External Areas and Outdoor Events

2.28 The Council is aware of the popularity of external areas and outdoor events. These include beer gardens, terraces, rooftops, street parties, events in car parks and industrial yards pop-ups or activity on private land awaiting development. These activities can further add to Hackney's rich cultural heritage, diversity and help bring communities together.

2.29 Hackney Council already holds premises licences which authorise regulated entertainment in several of its parks and open spaces. These licences have been granted with control measures attached, including limited hours of activity, restricted numbers of events annually and other steps appropriate for the promotion of the licensing objectives. These are further supported by the work of the Hackney Events Action Team (HEAT) where the events take place on Hackney owned or operated land.

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

LP6 External Areas and Outdoor Events

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

Minor Variations

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

2.32 For an application to be considered under this simplified process, the Council must be of the opinion that the variation(s) does not adversely impact on the licensing objectives.

LP7 Minor Variations

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

- Small changes in the layout/structure of the premises

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

Temporary event notices (TENs)

2.33 Temporary events notices are a light-touch method by which licensable activities can be authorised to take place without the need for a premises licence or club premises certificate. Advance notice must be given to the Metropolitan Police, Environmental Protection and the Licensing Authority.

2.34 The Police and Environmental Protection are the only parties that can object to a TEN. Whilst both parties are able to object on the grounds of any of the licensing objectives, the Police will tend to focus on matters in relation to crime and disorder. The Environmental Protection service will be minded to object where there is a risk to the prevention of public nuisance objective.

2.35 The role of the Licensing Authority is to ensure that the statutory limits for the giving of TENs in a calendar year by an individual and the restriction of the number of TENs in respect of a particular premises are not exceeded. The Police and Council remain the enforcement authorities and may monitor any event. Details on the numbers of TENs that can be given in respect of premises, individuals and calendar years can be found on the Council's website.

2.36 The Licensing Authority expects premises users to provide advance notice of events at least four weeks prior to the start date of the activity.

LP8 Temporary Event Notices

When considering an objection to a TEN the Council will:

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

Personal licences

2.37 The supply of alcohol under a premises licence must be made by, or authorised by, a person who holds a personal licence. The Act requires any sale made when the personal licence holder is not present to have been authorised by a personal licence holder.

2.38 Where an applicant has been convicted of a relevant offence, foreign offence, immigration offence or has been required to pay an immigration penalty, the Police will be provided with a copy of the application. If the Police object to the grant of the licence, the matter will be referred to a Licensing Sub-Committee for determination.

LP9 Personal Licences

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and will consider the:

(i) Seriousness and relevance of any conviction(s)

(ii) The period that has elapsed since committing the offence(s)

(iii) Any mitigating circumstances that assist in demonstrating that the crime prevention objective will not be undermined.

SECTION 3 – Cumulative Impact and Special Policies

3.1 The Council recognises that in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from the licensed premises. Guidance under the Act sets out that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may as a consequence adopt special local saturation policies. There should always be an evidential basis for a decision to include a special policy within the statement of licensing policy.

3.2 In summary, the steps to be followed in considering whether to adopt a special policy within the borough are:

- Identification of concern about crime and disorder or public nuisance or protection of children from harm
- Consideration of whether there is good evidence that crime and disorder or nuisance are occurring; or whether there are activities which pose a threat to public safety or the protection of children from harm
- If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
- Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise
- Consultation with those individuals or groups specified within section 5(3) of the Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement

3.3 The effect of adopting a special policy, which the Council refers to as a Special Policy Area ('SPA'), is to create a rebuttable presumption so that applications for new premises licences and club premises certificates or variations of these authorisations, which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations being made. The applicant will need to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives in order to rebut any such presumption.

3.4 Applicants are advised to give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives as well as showing how they will mitigate any potential negative harms in their application. Applicants are also reminded that less weight is likely to be attached to any arguments relating to there being no complaints from existing premises when seeking a variation or renewal of an authorisation within a SPA. This is because, given the nature of the area and concentration of licensed premises, it can be difficult to attribute complaints and problems to any particular premises, especially with regards to nuisance being caused in outside areas.

3.5 This presumption does not relieve responsible authorities or other persons of the need to make a relevant representation. This can be done by simply referring to the information which had been before the licensing authority when it developed its Policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

3.6 It should be noted that special policies are not absolute. The individual circumstances of each application will be considered on its merits. The Council will grant applications where the applicant has demonstrated that the operation of the premises is unlikely to add to the cumulative impact that is already being experienced in the area.

3.7 The Council will not consider the issue of "need" in determining any licence application, as this is a matter for planning control and the market. Therefore, the Council will not seek to impose quotas of premises, licences or certificates.

3.8 Analysis of the hospitality economy in the Borough has been undertaken which shows an increase in the number of premises in the wider Shoreditch area in particular. There are also real concerns about the impact on the physical environment, the safety of visitors and residents, and the environmental disturbance to residents arising from increased activity in both the Shoreditch SPA area and the wider Shoreditch area. If an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply. The map for this area is at Appendix A.

3.9 The Special Policy is applied to the Dalston area with the aim of continuing to manage the growth of premises persons in the area, particularly those that are alcohol lead. Therefore, any application will need to demonstrate that it will not add to the cumulative impact in the Dalston area. If an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply. The map for this area is at Appendix B.

3.10 The key evidential findings for the Shoreditch and Dalston SPAs are set out within Appendix C.

LP10 Special Policy Areas – Dalston and Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need 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. This policy is to be strictly applied.

It should also be noted that the;

- quality and track record of the management;
- good character of the applicant; and
- extent of any variation sought

May not be in itself sufficient.

It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.

Cumulative Impact – General

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

LP11 Cumulative Impact – General

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

SECTION 4 – OPERATIONAL ASPECTS

Deregulation of Entertainment

4.1 The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 deregulated some of the licensable activities under the Licensing Act 2003 in addition to the deregulation created by the Live Music Act 2012.
Some of the activities which may no longer require authorisation are:

- exhibitions of films where they are incidental to another activity which is exempt from licensing
- 'not-for-profit' film exhibitions between 08:00 and 23:00 on any day held in community premises provided that the audience size is no more than 500 and the organiser gets consent from the person who is responsible for the premises and ensures that age classification ratings are complied with
- a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on the premises provided that the audience size is no more than 500
- a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day in a church hall, community hall, or other similar community premises, that is not licensed to sell alcohol, provided that the audience size is no more than 500 and the organiser gets consent from the person responsible for the premises
- a performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day at the non-residential premises of a local authority, a school or a hospital provided that the audience size is no more than 500 and the organiser gets consent from the local authority or the school or the health care provider for the hospital.

Immigration Matters

4.2 The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.

4.3 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

4.4 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.

Late Night Levy

4.5 The Late Night Levy ("the levy") is a discretionary power enabling licensing authorities to charge an additional fee to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any net revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the 'net' levy paid to the Police.

4.6 The legislative provisions relating to the levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31 October 2012.

4.7 Hackney Council consulted on the introduction of the levy in February 2017 and on 26 July 2017, the Council decided that the levy would be introduced from 1 November 2017 for premises authorised to sell or supply alcohol between the hours of 00:01 and 06:00 on one or more days of the year.

Sexual Entertainment

4.8 On 21 July 2010 the Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This applies to the area of the London Borough of Hackney and came into force on 15 September 2010.

4.9 Any person wishing to operate a sex establishment (sex shop, sexual entertainment venue or sex cinema) will require a sex establishment licence.

4.10 The Council has previously determined that the number of sexual establishments in Hackney should be nil in each ward, meaning that no licences will be issued. An exception was provided for "established operators" who operator a long-standing, well-run sex establishment which has not generated significant levels of concern among the community or statutory authorities.

4.11 Please refer to the Council's separate policy in regards to Sex Establishments which is available from the Licensing Service.

Enforcement

4.12 The Council is an enforcement authority for the purpose of exercising many of its statutory and regulatory functions. Hackney aims to offer a graduated approach to enforcement.

4.13 The Council has developed an Enforcement Policy across all environmental enforcement functions, including licensing. It seeks to provide a corporate regulatory framework that identifies the key principles and factors for enforcement action. It develops partnership working both within the Council and with external agencies.

4.14 The Council will also inspect premises using a targeted risk based approach. For example, inspections should not always be undertaken routinely but when and if they are judged necessary. This is to ensure that resources are used efficiently and can be effectively concentrated on premises most likely to lead to problems.

Reviews of licences and certificates

4.15 Responsible authorities and other persons can apply to the Council to review a premises licence where problems are arising at the premises in relation to any of the licensing objectives.

4.16 A review can be applied for at any stage following the grant of a premises licence or club premises certificate. In every case, an evidential basis for the allegations made will need to be submitted to the Council. However, in the first instance, the Council is required to consider whether the representation made is irrelevant to the licensing objectives, or is frivolous, vexatious or repetitious. The Guidance recommends that

more than one review on similar grounds originating from other persons should not be permitted within a twelve month period, except in exceptional or compelling circumstances, or where it arises following a closure order.

4.17 In addition, a review will normally follow;

a) Any action by the Police to close down the premises for up to 24 hours on grounds of disorder, or noise nuisance, and
b) Any formal enforcement action by the Council, or
c) Any action taken by the Immigration authority.

4.18 The Licensing Authority can exercise a range of powers when dealing with a review (see guidance notes). In cases where the crime prevention objective is being seriously undermined it is expected that revocation of the premises licence, even in the first instance, will be seriously considered.

Summary Reviews

4.19 Where a licensed premises is considered to be associated with serious crime or serious disorder or both, the Police can apply for a summary, or expedited, review of the premises licence. Within 48 hours of receipt of that application the Council must consider whether it is appropriate to take interim steps pending the determination of a review of the premises licence. Within 28 days after the day of its receipt, a full review hearing must be held.

4.20 Interim steps can include:

- the modification of the conditions of the premises licence,
- the exclusion of the sale of alcohol by retail from the scope of the licence,
- the removal of the designated premises supervisor from the licence; and/or
- the suspension of the licence.

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

Wholesale of alcohol

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

Internet and mail order sales

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

Early Morning Restrictions Orders

4.24 Early Morning Restrictions Orders ("EMROs") are a discretionary power enabling licensing authorities to restrict sales of alcohol with the aim of tackling high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The EMRO may be applied to the whole or part of the licensing authority area and, if relevant, on

specific days and at specific times. A statutory process must be undertaken before it is introduced and the licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

Administration, Exercise and Delegations of Functions

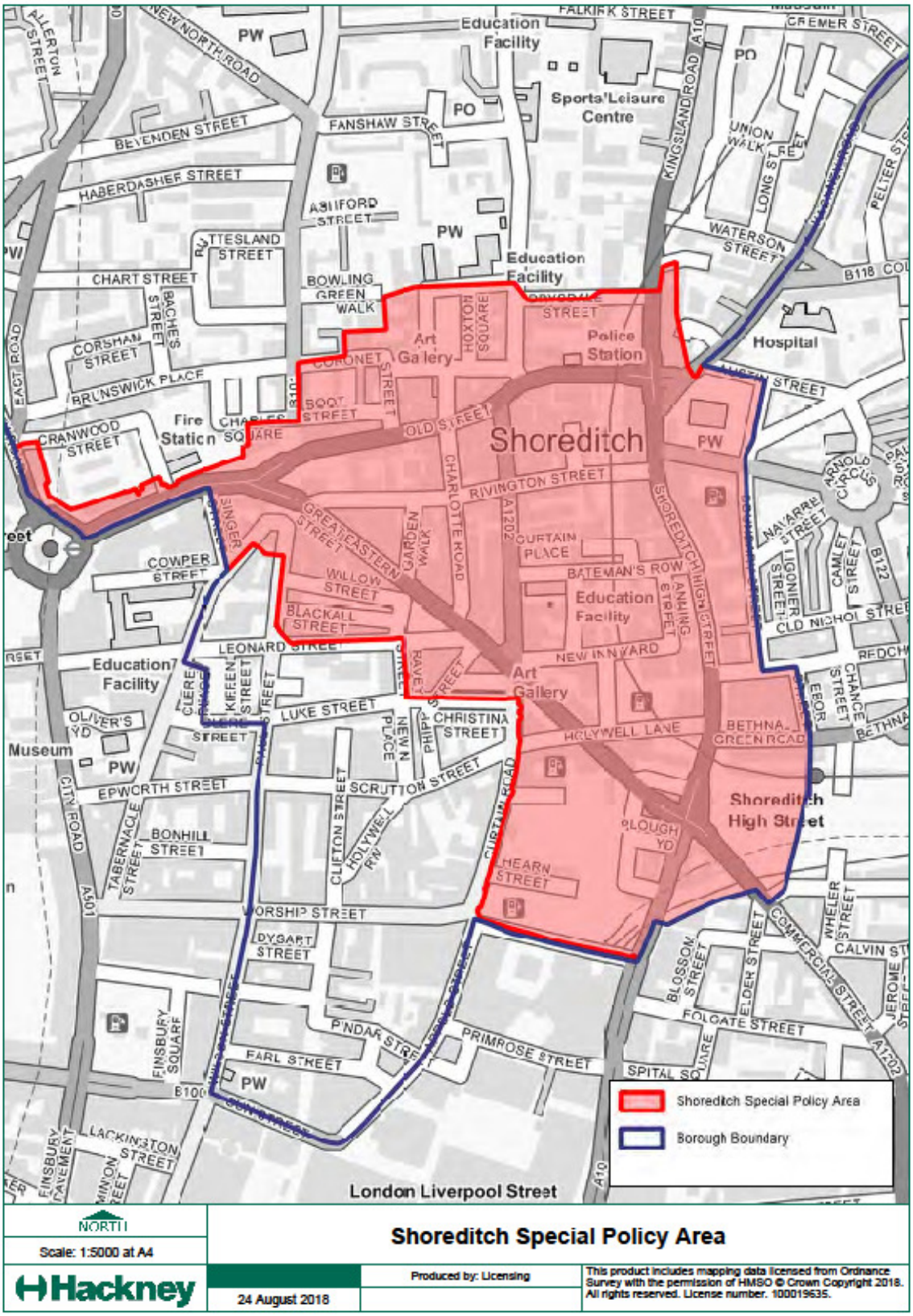
4.25 One of the major principles underlying the Act is that the licensing functions should be delegated to an appropriate level so as to ensure efficient determination of applications. The Council has arranged for its licensing functions to be discharged in accordance with the Act and the Guidance. Where a function is delegated to an officer they will be responsible for determining the matter without the need for it to go before a Licensing Sub-Committee.

4.26 Where a matter is referred to the Licensing Sub-Committee, it will determine each case on its individual merits whilst taking into consideration the Act, the Guidance, the Policy and any evidence presented by the parties concerned in support of their cases.

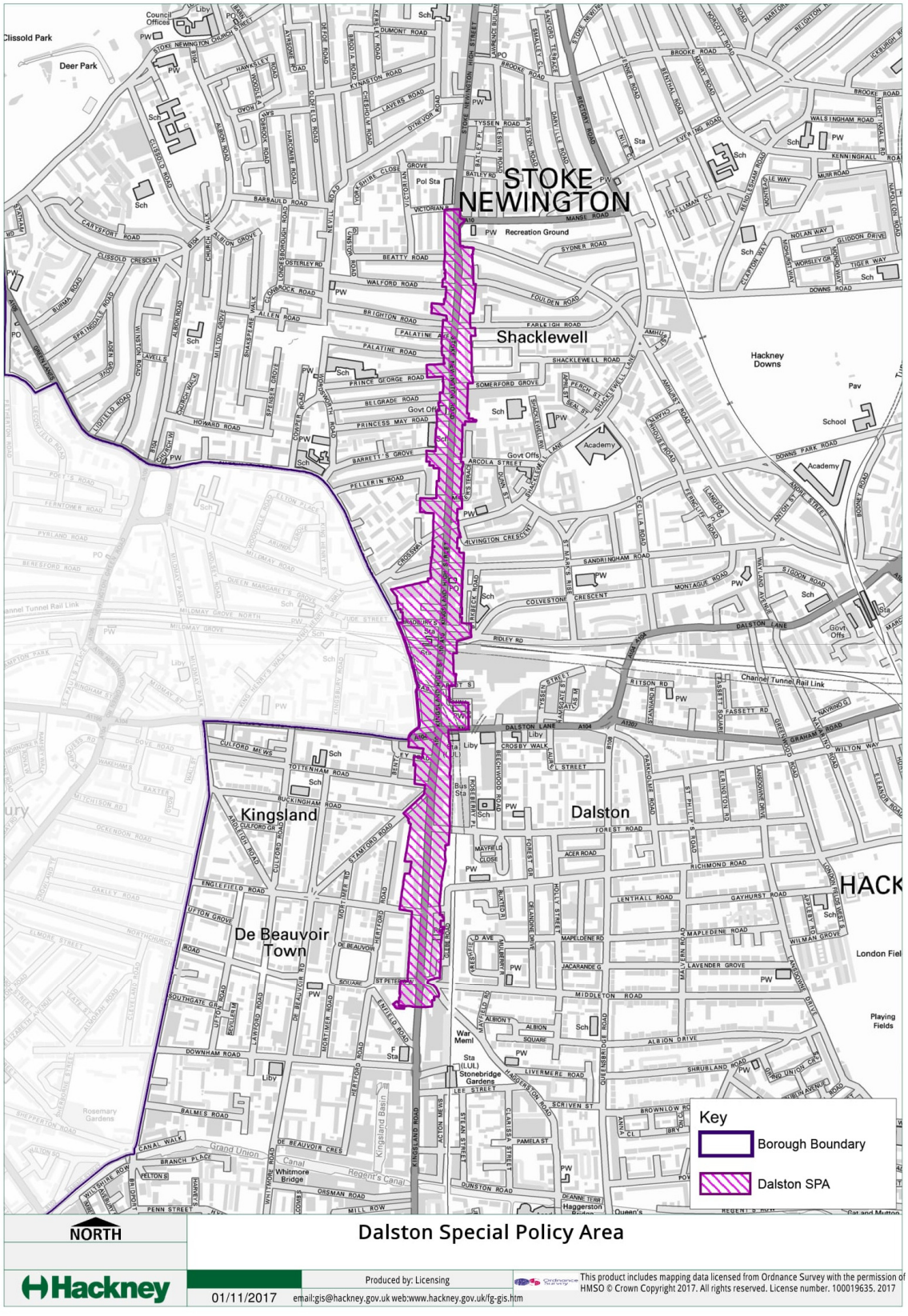
4.27 The Council's Scheme of Delegation of functions under the Act has been appended to this document.

APPENDICES

Appendix A: Shoreditch Special Policy Area



Appendix B: Dalston Special Policy Area



Appendix C – Key Evidential Findings

Hoxton East and Shoreditch

- Most crimes (87%) associated with licensed premises occurred between 2000 and 0359 hours; peak hours of 2300 to 0159 (53%). Friday's to Sunday's experienced more crime than other days, specifically Friday PM to Saturday AM, and Saturday PM to Sunday AM (between 2100 and 0359 hours); 61% of ward total.
- In recent years, Thursday's have also begun to feature. However, peak crime hours on a Thursday were more limited between 2300 hours on a Thursday and 0159 hours on the Friday morning suggesting that Thursday nights are not yet quite as prevalent as Friday and Saturday nights.
- Overall most of the crime in this ward was theft (87%), and then violence (9%). Whilst there was a 60% reduction in theft offences, violent crime increased by 68%, particularly serious wounding (up 350%or 39 more crimes so % increase brought about by low numbers), common assault and harassment.
- Overall there was a reduction in assault with injury, and although counts fell between FY2011/12 and FY2013/14 it started to rise again from FY2014/15.

Dalston

- Most crime (51%) occurred between the hours of 2300 and 0359 hours, although in the latter years crimes started to rise from 2200 hours; peak times of 0100 to 0259 hours.
- Crimes occurred throughout the day albeit to a lesser extent, and this might be explained by the dual markets (day time busy shopping district, and night time economy) in Dalston that doesn't exist in Hoxton East and Shoreditch.
- Friday's to Sunday's experienced the most crime overall (67%) of the total, particularly between Friday PM to Saturday AM, and Saturday PM to Sunday Morning between 2200 hours and 0459 hours (42%).
- Similar to Hoxton East and Shoreditch recent years have seen more crimes reported on a Thursday PM to Friday Morning.
- Theft accounted for 87% of crime, and violence for 9%, so this is consistent with Hoxton East and Shoreditch.
- Between FY2011/12 and FY2015/16 thefts dropped by 28%, whilst violence increased by 53%. The largest increases in violence were again serious wounding, harassment and common assault, but overall numbers were low each year, and assault with injury offences followed the same pattern as Hoxton East and Shoreditch.
- Overall the wards that contributed the most (55%) in terms of alcohol related incidents were Hoxton East and Shoreditch, Dalston, Stoke Newington, Hoxton West, London Fields and Homerton. The major contributor was Hoxton East and Shoreditch

London Ambulance Service/Accident and Emergency

- A larger proportion of alcohol-related ambulance pick-ups occur in Shoreditch and Dalston, which correlates to the existing Special Policy Areas. Outside of these two areas, Hackney Central and Stoke Newington have higher numbers of pick-ups than other parts of the borough.
- Data also shows that the number of alcohol-related ambulance pick-ups in Hackney has increased significantly in recent years, as the number of licensed premises has grown. Since 2006/07, the number of licensed premises allowed to sell alcohol increased by 66%, while the number of alcohol-related ambulance pick-ups increased by 21% over the same time period. This correlates with the information from the Community Safety Partnership Plan, which identifies that alcohol-related crime occurs in areas with higher concentrations of licensed premises.
- 75% of the hospital A&E assault related attendances occurred during NTE hours, 66% of ambulance attendances, and 80% of Met police alcohol related crime. This highlights the

relevance of the night time economy in particular for alcohol related incidents across the borough.

Cost Benefit Analysis

- In 2015, there were 1,375 firms in the ENTE in Hackney. They generated some 4,720 jobs, £219m in turnover and £111m in output. These represented 6.7% of all Hackney's businesses, 4.2% of employment, 1.0% of turnover and 1.2% of Gross Value Added (GVA).
- However from the Council's perspective, the ENTE generated cost of £3.6m, while returning only £2.1m in 2015 as illustrated in the table below.

Hackney Evening and Night-time Economy Behaviour Study

Shoreditch

- Shoreditch is now a mainstream nightlife attraction, and a draw for young adults from across London and the South East; as well as to young foreign visitors to London.
- In London, Shoreditch was found comparable only to the most intense hot-spots of Westminster and Camden
- Whilst the ENTE has expanded, it has not diversified.
- 'Slower' seated table-service dining has a low presence in Shoreditch, when considering the numbers of licensed premises.
- Alcohol off-sales fuel visitor intoxication providing access to relatively cheap late-night off-sales from independent shops located in amongst the nightlife
- Discarded off-sales alcohol purchases, together with late-night takeaway food detritus, create major waste management challenges
- Male on-street urination and the fouling of pavements and doorways through vomiting is also commonplace
- The area around the existing Shoreditch SPA abuts parts of Islington and Tower Hamlets that have substantial ENTEs

Dalston

- As in Shoreditch, ENTE patrons also have access to relatively cheap alcohol from off-sales outlets, located in amongst the entertainment premises
- The high prevalence of post-01:00 off-sales are a feature of Hackney nightlife that departs from comparable areas in, for example, Camden and Westminster
- Dalston was found to have a later-night culture than all the other areas, with the exception of Shoreditch
- The area presented as a more 'bohemian' and less mainstream than the ENTE of Shoreditch
- It has more diversity of offer than the Shoreditch ENTE and appears more integrated with the local residential community
- Dalston is undoubtedly a noisy location late at night, with many noise 'incidents', as well as a generally high ambient noise level creating potential conflicts of between local residents and ENTE businesses and patrons

Off-licences

- The audits showed that the Borough appears to have a large number of convenience stores / supermarkets which trade late that are also licensed to continue selling alcohol into the early hours of the morning, with many located in and amongst the licensed entertainment / food and drink premises.
- Hours were not found in comparable areas of London, such as Westminster and Camden, where off-sales tend to cease in areas with 'nightlife', mostly by 23:00 and typically, entirely, by 01:00

- In Hackney, patrons have access to relatively cheap off-sales alcohol from local stores to supplement that purchased and consumed in the ‘on-trade’.

Appendix D: Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
   (a) At a time when there is no designated premises supervisor in respect of the premises licence.

   (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

   (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

   (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

   (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

   (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

   (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

   (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

   (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

   (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

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

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

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

5. The responsible person shall ensure that:
a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

• beer or cider:1/2 pint;

• gin, rum, vodka or whisky: 25ml or 35ml; and

• still wine in a glass: 125ml; and

a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

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

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula - P = D+(DxV)

Where -

(i)P is the permitted price,

(ii)D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii)V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Door supervision

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

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

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

(b) In respect of premises in relation to –

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

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

(3) For the purposes of this section -

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

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

Exhibition of Films

Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

(a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

(b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

"film classification body" means person('s) designated under s4 of the Video Recordings Act 1984(c.39).

Club Premises Certificates

Certificate authorising supply of alcohol for consumption off the premises

(1) A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.

(2) A club premises certificate that authorises the supply of alcohol for consumption off the premises must include the following conditions.

(i) The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

(ii) The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.

(iii) The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Mandatory condition: exhibition of films

(1) Where a club premises certificate authorises the exhibition of films the certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where -

(a) the film classification body is not specified in the certificate, or

(b) the relevant licensing authority has notified the club which holds the certificate that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section -
"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Appendix E: Pool of Conditions

This pool of conditions has been provided to help applicants applying for a new premises licence or club premises certificate or to vary an existing licence to prepare their operating schedule ensure that when licensable activities are taking place the four licensing objectives are promoted.

This is not an exclusive or exhaustive list. It does not restrict any applicant, responsible authority, or other person from proposing any alternative conditions, nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives.

Alcohol

		CD	PS	PN	PC
A1	No beer, lagers or ciders exceeding 6.5% alcohol by volume (ABV) shall be sold or supplied at the premises.	—			
A2	No single cans or bottles of beer, lager or cider shall be sold or supplied at the premises.	—			
A3	No “miniature” bottles of spirits of 50ml or less shall be sold or supplied at the premises.	—			
A4	Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.	—			
A5	Consumption of alcohol in the bar area is restricted to customers waiting to be escorted to a table.	—			
A6	Numbers of patrons in the bar area (not awaiting tables) shall not exceed [*Insert]* persons.	—			
A7	Any alcohol sold or supplied [for consumption off the premises] must be in a sealed container.	—		—	
A8	Any sales of alcohol shall be charged at no less than £0.50 per unit of alcohol. The licence holder will prepare a price list calculating the units for each available produce, which shall be made available to the Police or Licensing Enforcement on request.	—		—	

Building Management

		CD	PS	PN	PC
B1	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number], subject to the following maximum occupancies: For example: [First Floor] [number] persons [Ground Floor] [number] persons [Basement] [number] persons		—		
B2	The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [*number*]		—		

B3	Sanitary accommodation shall be provided in accordance with BS 6465-1:2006+A1:2009 Sanitary installations - Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances standard for sanitary provisions or any British Standard replacing or amending the same.	—		—	
B4	The edges of the treads of steps and stairways shall be maintained so as to be clearly visible.		—		
B5	All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.		—		
B6	The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.		—		
B7	The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.		—		
B8	All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.		—		
B9	All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.		—		
B10	The certificates listed below shall be submitted to the Licensing Authority upon written request: • Any permanent or temporary emergency lighting battery or system • Any permanent or temporary electrical installation • Any permanent or temporary emergency warning system		—		

CCTV

		CD	**PS**	**PN**	**PC**
C1	The licensee shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall as a minimum continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be provided immediately upon the request of Police or authorised officer throughout the preceding 31 day period.	—	—	—	
C2	No less than one member of staff who is able to operate the CCTV system shall be on the premises at all times.	—	—		

C3	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff.	—		—	
C4	An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will as a minimum record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.	—	—	—	—

Controlled Substances

		CD	PS	PN	PC
D1	The licensee shall operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons policy where appropriate. Prominent signage shall be displayed by every entrance and exit detailing the drugs and weapons policies.	—	—		
D2	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.	—	—		
D3	A secured, lockable drug box must be installed at the venue. Police attendance must be requested for removal of the contents.	—			
D4	Police and LBH contracted drugs dogs or drug detection equipment will be given immediate access to the premises without notice for the purpose of detecting and reducing incidences of drug misuse.	—	—		

General Management

		CD	PS	PN	PC
G1	A record shall be kept detailing all refused sales of alcohol. The refusals book will be maintained at the premises and will be available for immediate inspection upon request by a representative of the statutory authorities upon request. Such refusals book to is to be inspected and signed by the DPS or, in the absence of the DPS, by an alternative member of store management at intervals not exceeding seven days. All occasions when persons have been refused service shall be recorded and kept at the premises for not less than 12 months after the last entry recorded.	—		—	—
G2	The licensee shall display the telephone number/email address of the Designated Premises Supervisor for use by	—	—	—	—

	any Responsible Authority or any person who may wish to make a complaint during the operation of the licence in a prominent external location at the premises that is easily accessible to the public.				
G3	Toilets to be checked for evidence of any crime regularly throughout the day and at least hourly after [insert hours]. Records of these checks are to be documented and retained for no less than 31 days and shall be provided to the Police upon immediate request.	—	—		
G4	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.	—		—	
G5	Plastic and/or toughened glass vessels shall be used for the consumption of drinks, intoxicating and non-intoxicating, at [insert times/all times].	—	—	—	—
G6	No glass receptacles containing beverages whether open or sealed, shall be given to customers on the premises whether at the bar or by staff away from the bar.	—	—		
G7	No entry to or re-entry to the premises after [time] by members of the public or guest of friends of members of staff or the premises licence holder. (except those patrons who have temporarily left the premises to smoke.)			—	
G8	No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009, shall be provided.	—	—		—
G9	Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.		—		
G10	At least one member of staff who has received first-aid training from a HSE approved trainer shall be on duty when the public are present.		—		
G11	Seating for no less than [*number*] persons shall be provided in the premises at all times the premises are in operation.	—			
G12	Seating for no less than *(insert)* % of the maximum occupancy shall be provided in the premises at all times the premises are in operation.	—			
G13	There shall be a written dispersal policy, a copy of which shall be kept on the premises and made available to police or other authorised officer upon request.	—	—	—	
G14	Measures to be implemented to prevent theft. These measures may include, but are not limited to: Bag clips/hooks Property patrols Notices advising patrons that thieves operate in the area.	—			
G15	Substantial food shall be available at all times.	—			

Hotels and Guest Houses

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

Noise and Odour Management

		CD	PS	PN	PC
N1	Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers requiring customers to leave the premises and the area quietly.			—	
N2	Door supervisors and other members of staff to verbally request customers as they exit the premises to leave quietly and respect local residential neighbours.			—	
N3	All external doors and windows shall be kept closed, other than for access and egress, when regulated entertainment is taking place.			—	
N4	Background music shall not exceed a level that allows face to face conversation at normal speech level.			—	
N5	A detailed acoustic report should be carried out by a competent person and should be submitted to the Licensing Service [*within timeframe*]. Recommendations in the report should be approved by the Pollution Control Team and completed prior to any regulated entertainment taking place.			—	
N6	All music systems shall be routed through a sound limiting device. The limiting device(s) should be set to ensure inaudibility in all nearby residential premises, a certificate of compliance should be submitted to the pollution group. The device shall be controlled by the licensee/management and kept in a locked, tamper-proof box.			—	
N7	The sound limiting device must be recalibrated annually to ensure that the music is inaudible in nearby residential premises prior to the anniversary (of the grant of licence/variation/review).			—	
N8	All speakers must be isolated from the structure of the building to prevent the transmission of vibration. The final specification should be approved by the Pollution Control Team before installation.			—	
N9	The noise level from the premises whilst being used for regulated entertainment shall not exceed [insert limit] measured at any point(s) [insert location].			—	
N10	Music noise from the licensed premises as measured spatially averaged within the habitable areas of the			—	

	attached residential noise sensitive premises (measured at a height of 1.2 metres and 0.5 metres from any reflecting surface) at any time shall not cause any increase in the measured real time Leq(1min) 1/1 octave band sound pressure level centred on the frequencies [frequencies] and overall 'A' weighted levels when compared with the existing background noise equivalent Leq(1min) ('A' weighted levels, [frequencies]) to the levels at each of the following residential premises; (insert details)				
N11	Measurements should be taken in the same noise sensitive premises at a similar time without the music from the licensed premises in operation or at such level as not to cause noise nuisance, as determined by the council's Noise Pollution Team.			—	
N12	Amplified music shall be played within the licensed premises during permitted hours through an in house sound system which shall be fitted with a sound limiter set to an internal reverberant sound level limited to LAeq [level] dB, as measured at the mid-point of the licensed premises bar at a height of 1.2 metres. In addition the system shall be limited via the in-house limiter to control the frequencies [frequencies] as measured in the same position as above, in real time simultaneous Leq (1min) 1/1 octave band sound pressure level. These levels should be set to correspond with levels in condition 1, above.			—	
N13	The setting up of level controls of such devices shall take place before any amplified music is played and be carried out under the supervision of an acoustic consultant registered with the Institute of Acoustics who will provide a certificate of the completion and verification of the calibration and set up. The initial set up is to be witnessed by Council officers.			—	
N14	An annual check to the effectiveness, with re-calibration where necessary, of the devices shall be undertaken by an acoustic consultant registered with the Institute of Acoustics, who shall provide a certificate of verification of the calibration and set up, both initially and annually, to be provided to the Council's Pollution Control Team within 21 days of the check of effectiveness.			—	
N15	Such noise control devices or automatic volume control systems shall be secured within robust lockable security enclosure, or similar, to prevent unauthorised access to and tampering with the controls. In the case of computer controlled systems they shall only be accessed by an authorised Sound Engineer under the supervision of an acoustic consultant registered with the Institute of Acoustics authorised for this purpose by the Company. All changes shall be reported to the Council as soon as practicable after the event.			—	
N16	For residential premises directly attached to a licensed venue, these levels shall be measured with all residential windows closed and windows should be in a single or double glazed configuration only. Secondary internal panes should be opened or removed during			—	

	measurements. For all other cases i.e. buildings separated from the licensed premises windows should be slightly open for ventilation.				
N17	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.			—	

Outdoor Areas

		CD	PS	PN	PC
O1	Patrons shall not be permitted to take glass off the premises/into external areas of the premises.	—	—	—	
O2	No more than [insert number] of patrons will be permitted in the designated smoking area at [any time/after insert time]	—		—	
O3	Use of outdoor area (shown on the plan) shall cease at [time].			—	
O4	The designated smoking area shown on the plan, shall be de-lineated by a physical border.			—	

Preventing Underage Sales

		CD	PS	PN	PC
P1	A record shall be kept detailing all refused sales of alcohol. The refusals book will be maintained at the premises and will be available for immediate inspection upon request by a representative of the statutory authorities upon request. Such refusals book to is to be inspected and signed by the DPS or, in the absence of the DPS, by an alternative member of store management at intervals not exceeding seven days. All occasions when persons have been refused service shall be recorded and kept at the premises for not less than 12 months after the last entry recorded.	—		—	—
P2	All store staff who are engaged or employed as cashiers will receive formalised training in the sale of age restricted products and training records evidencing such training will be kept and maintained in store, available for inspection by a representative of the statutory authorities for not less than 2 years. Such training is to be refreshed at intervals not exceeding [six/twelve] months.	—			—
P3	Where a person appears to be under the age of [insert age] identification in the form of a passport, photo driving licence or a proof of age card bearing the PASS hologram will be sought and if not provided service of alcohol shall be refused.	—			—
P4	Prominent, clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale indicating that where a person appears to be under the age of [25] identification will be sought and if not provided service of alcohol will be refused.	—			—

P5	Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved.	—			—
P6	A till prompt will appear on the initial sale of alcohol that will reminded the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.	—			—
P7	All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.	—			—
P8	Children under the age of ** years shall not be allowed on the premises after **:** hours unless accompanied by an adult.				—
P9	Children under the age of ** years shall not be allowed on the premises.				—

SIA and Security

		CD	**PS**	**PN**	**PC**
S1	The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises. Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than [insert period].	—	—		
S2	A minimum of (**X**) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	—			
S3	At least (**X**) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.	—			
S4	All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.				
S5	Every person entering the venue should be counted in and out with a counting device to ensure that the maximum accommodation limit is not exceeded.	—	—		
S6	Every new patron entering the venue will be searched upon entry after [time].	—			
S7	Door supervisors shall be employed at a ratio of xx patrons. At least one member of the door staff shall be female.	—			
S8	All door staff stationed at the front entrance shall wear high visibility jackets or vests. All security staff stationed in internal areas of the premises shall wear high visibility armbands.	—			
S9	Club Scan (or similar identification scanning device) is to be installed and maintained at the premises and shall operate [insert times/days].	—			

Waste Management

		CD	PS	PN	PC
W1	The licensee shall undertake a litter patrol at hourly intervals in [state xx radius/perimeter/pre-determined area] to collect any litter associated with the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.	—		—	
W2	Waste collections shall be restricted to [time] and [time] and on xx days of the week/weekend.			—	
W3	No refuse and/or bottles are to be placed in external receptacles or in areas outside the premises after 2300/between [xx:xx and xx:xx].			—	
W4	The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing on the [insert location] façade of the premises. This should remain unobstructed at all times and should clearly identify:- • the name of the registered waste carrier • the date of commencement of trade waste contract • the date of expiry of trade waste contract • the days and times of collection • the type of waste including the European Waste Code			—	
W5	All staff are to be fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where is can be referred to at all times by staff.			—	
W6	Any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. An adequate supply of waste receptacles shall be provided (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.				
W7	Where premises are situated in an area where time banded waste collections apply, waste must be kept within the premises until such time as its waste carrier arrives to collect the refuse.			—	
W8	Signage to be erected asking customers to refrain from littering the public highway outside the premises.			—	

Appendix F: Delegation of functions

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

Appendix G

Other relevant legislation

Applicants should note other legislation that is likely to be relevant to their proposal:

- The Health and Safety at Work Act 1974
- The Town and Country Planning Act 1990
- The Environmental Protection Act 1990
- London Local Authorities Act 1990 (as amended by 2004 Act)
- The Clean Neighbourhoods and Environment Act 2005
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009
- EU Services Directive and the subsequent Provision of Services Regulations 2009
- Food Safety Act 1990
- The Human Rights Act 1998 incorporating the European Convention on Human Rights (ECHR)
- Regulatory Reform (Fire Safety) Order 2005
- The Gambling Act 2005
- The Equality Act 2010
- The Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012
- The Anti-Social Behaviour Crime and Policing Act 2014
- The Deregulation Act 2015
- The Immigration Act 2016