

**REPORT OF LIVING IN HACKNEY SCRUTINY COMMISSION**

<b>A review of the LBH Licensing Policy and its Special Policy Area (SPA)</b>	<b>Classification Public</b>	<b>Enclosures</b>
	<b>Ward(s) affected All</b>	

**1. FOREWORD BY THE CHAIR OF THE LIVING IN HACKNEY SCRUTINY COMMISSION: COUNCILLOR ERIC OLLERENSHAW – NOVEMBER 2007**

This Borough along with many others adopted a Licensing Policy in 2004 following the implementation of a new Licensing Act (2003). We understand that each Licensing Authority (the relevant local authority) is required to review its policy at least every three years – locally some such exercise has been undertaken on a more regular basis. In view of the particular concentration of premises in specific areas of Hackney, namely Shoreditch, LB Hackney chose to introduce a special policy area which, in effect, raised the bar for those seeking to open new licensed premises or those already in operation who wanted extended hours.

The adoption of such a policy by the borough is one where obvious potential for contention exists between different sections of our community. As an Overview and Scrutiny Commission we were therefore invited to contribute and provide oversight to the review process, most specifically in relation to the special policy area, in order to form a view about the extent to which the measures put in place by the borough are working and have been reviewed in an appropriate and fully inclusive manner.

The issues to consider in relation to licensing and the regulation of licensed trade in a built up area of the borough are undoubtedly complex in their own right. However attempting to consider how a wide range of additional variables (street scene, waste collection, transport to name but three) have and might impact upon the quality of life of residents, the imperative of supporting a vibrant local economy and the overall regeneration of the borough becomes all the more challenging as does striking the correct balance between these, at times, competing demands.

We have spoken to a wide range of people during this review, including residents, the licensed trade, various arms of the Council, our partners and also reviewed the indicative results of a number of pieces of Council commissioned research. We have also met with a number of our neighbouring local authorities to hear how they approach this work.

Our review took place over a short period of time because of the desire for a new policy to be adopted by Full Council in November. This has meant we have had to work flexibly and review information as was available at a given period of time and not therefore always as comprehensive as might we might have wished. We are nevertheless grateful to those who participated and contributed to the review.

Overall we encountered broadly positive views from those we spoke to about the way the borough manages the Shoreditch area and the improvements that are planned or have recently been made. We also believe that the decision to regularly review the policy and its application is sound and compares favourably with what takes place in other boroughs. Our hope is that such encouraging news will allow for continued momentum and improvements to be made in the way LBH manage licensing issues.

## **2. INTRODUCTION**

2.1 The Licensing Act 2003 brought about significant changes to the way licensed premises are regulated. Six old licensing regimes covering liquor, public entertainment, theatres, cinemas, late night refreshment premises and night cafes have been brought together under a single integrated system.

In accordance with the Act, Hackney published a 'Statement of Licensing Policy'. It takes into account examples of best practice used elsewhere in dealing with the regulation of licensed activities. The policy promotes the four licensing objectives set out by the Act. Which are;

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

The Policy took effect from January 2005 for a period of no more than 3 years. Meaning the Policy must be reviewed in order to have a revised policy in place by January 2008.

2.2 We have sought to understand the complexities of the situation as exist within Hackney but also elsewhere and as such the Commission undertook a series of visits to the Corporation of London, the City of Westminster and the London Borough of Islington, to speak to Members and senior officers about the operation of their licensing policies, local priorities and the process they are following to review their policies. The three authorities represent a range of circumstances, none of which are exactly analogous to the situation in Hackney. Islington has a very high number of licensed premises, but aside from pockets in the south of the borough these are mostly widely scattered and integrated with residential areas. Islington Council appear to place a great deal of emphasis on mediation and negotiation between residents and licensees, particularly in regard to the conditions imposed on late licences and variations. The Corporation of London has seen significant growth in licensed premises, particularly restaurants and larger venues which are now sometimes open until 2 or 3am. The majority of premises in the City have sought a variation since the Act was passed, but these tend to be non-contentious as there is very little housing in the vicinity of pubs and clubs. The City of Westminster contains some of the highest concentrations of licensed premises in the country. Their policy is very strict on hours, and challenges some areas of Government guidance in order to better reflect the locality, but although the policy has often been challenged in the Magistrates' Court, there has been no Judicial Review. The City Council ensures that all applications that are contrary to policy

are considered by the Licensing Sub-Committee, by tasking the Environmental Health Authority with making automatic representations.

2.3 In Living in Hackney Scrutiny Commission was invited to assist the authority in the development and adoption of a reviewed Licensing Policy and in so doing focussed the majority of its work upon assessing the performance, effect and proposals for the Special Policy Area going forward. The terms of reference that we worked to during this review are set out below;

- To gain an understanding of the licensing policy, the special policy area, and their operation and application since its adoption.
- To consider the evidence base collated by the Licensing Authority in respect of the Special Policy Area.
- To consult with both licensed trade and community groups.
- To seek to gain an understanding of the way that other Local Authorities have implemented a Licensing Policy and Special Policy Areas.
- To make recommendations for consideration as part of the adoption of a reviewed Licensing Policy

### **3. SUMMARY & RECOMMENDATIONS**

3. The Licensing Act 2003 brought about significant changes to the way licensed premises are regulated with a number of licensing regimes being amalgamated into one regime.

Hackney, as with other local authorities, published a 'Statement of Licensing Policy' which took effect from January 2005, the policy promotes the four licensing objectives set out by the Act. Such a policy must be reviewed after a period of no more than three years. LBH is therefore reviewing its policy, consulting with residents and expects Full Council to consider a revised policy in November 2007.

As a result of the consequences of the concentration of licensed premises in the Shoreditch area of the borough (cumulative impact) LBH adopted a special policy area (SPA) which, in effect, raised the bar for new premises wishing to open or those already operating wishing to open later within this area – by placing an onus upon them to prove limited or no additional detrimental impact upon the area.

This Overview and Scrutiny review has sought to consider the issues in relation to the retention of the SPA in Shoreditch and the extent to which the borough has, in reviewing its policy, adequately taken into account and where possible reflected the views of all relevant actors – residents, licensees, responsible authorities and those of the licensing authority itself.

#### **3.1 Recommendations**

##### **Recommendation one**

During our review we have become aware that the cumulative impact of licensed premises in an area can not only be an issue but is something defined by Government guidance and as such is an area where the Licensing Authority (LBH) has the power to act should it choose. Cumulative impact is interpreted in the legislative guidance as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.”

It is clear that Shoreditch is an area with a high density of licensed premises and therefore an area where it appears, not only appropriate, but also prudent for LBH to have considered the issues and the appropriateness for adoption of such a policy in 2005. An SPA is a substantive policy incorporated within the Licensing Policy and is based on the principles of “cumulative impact”. In adopting an SPA in 2005 the Council based its proposals upon a variety of evidence sources obtained from responsible authorities but also two key pieces of research and analysis:

- Hackney Night Time Economy Evidence Based Study – Shoreditch Report, Dec 2004, prepared by Urban Practitioners; and
- Shoreditch Saturation Study Ambient Noise Report, Oct 2004, prepared by Sanctum Consultants Ltd.

During our review we considered updated and specifically commissioned refreshed versions of these reports. We have also spoken to licensees within the SPA, residents, responsible authorities and a variety of arms of the Council.

#### *Recommendation*

This Commission endorses the retention of the Special Policy Area (SPA) in Shoreditch as proposed within the Borough's Draft Licensing Policy 2007

#### **Recommendation two**

During our review we were advised that a Licensing Authority is obliged to review its policy at least every three years. We also heard how since the adoption of its first Licensing Policy in 2005 LBH has undertaken a more regular review of the policy with its partners and we commend it for adopting such an approach.

We have established that all the relevant partners are involved in the licensing process, contributing as is appropriate to the operation of the licensing regime but also to the review of the policy. We have also reviewed the Council's proposed consultation plan in respect of the policy and spoken with licensees and residents in order to ensure they are aware of the consultation process and to allow us the opportunity to ensure their views are adequately captured and reflected in the policy.

We have also visited a number of neighbouring boroughs (Islington, the Corporation of London and Westminster) in order to seek a greater understanding of the way in which our peers manage their licensing policies. Through having these discussions we have encountered examples of where certain aspects of consultation, specific inter-agency working or pro-active development and management of licensing operations might be enhanced further locally though overall the way in which LBH has sought to actively consult and fully review its policy on a regular basis stands up well against such comparators and therefore deserves praise.

#### *Recommendation*

This Commission endorses the general approach and manner by which the Borough seeks to regularly review and discuss the implementation of its policy with its partners, residents and the trade.

The current full review of the policy appears to have been conducted in an inclusive, open and participative manner.

- 3.2 Within LBH it can be considered standard practice when concluding an Overview and Scrutiny review to make our findings known and to make a number of recommendations. Throughout the course of this review we have considered a great deal of evidence and identified a number of areas where we believe it may be possible for the existing operations linked to licensing and the review process itself to operate even more effectively than it does at present over the medium to long term.

The nature of our involvement in this review was specifically to consider whether the SPA should be retained in addition to the adequacy, or otherwise, of the Council's process for consulting upon its intentions in respect of the policy. We have made

our views known in respect of these two areas (*Recommendation one and two*) and commend the relevant parts of the authority and its partners for the way in which, in a short time frame, they have gone about this exercise.

However so as to ensure, what we believe are, valuable observations, are not lost, we have taken the unusual step of making a number of specifically listed (A-G) conclusions under section seven of this report.

Whilst we do not wish the authority to consider these as recommendations to act we would be encouraged by the consideration of the issues we focus on and a response to the areas identified by April 2008.

## **4. FINANCIAL COMMENTS**

4.1 There are no additional financial implications arising directly from this report.

## **5. LEGAL COMMENTS**

The Licensing Act 2003, s. 5 requires each licensing authority in each three year period to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy (a “licensing statement”) before the beginning of the period.

Before determining its policy for a three year period, a licensing authority must consult

- (a) the chief officer of police for the licensing authority’s area,
- (b) the fire authority for that area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The licensing authority is further required during the three year period to keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

The licensing authority can adopt a special policy for a particular area, if, after following the steps set out in the 2003 Act, and having regard to the guidance to licensing authorities, it is satisfied that it is appropriate and necessary to do so because ‘cumulative impact’ would affect the licensing objectives. Applicants for new premises licences or material variations would normally be refused, if relevant representations to that effect are received, unless it can be shown that the operation of the premises involved will not add to the cumulative impact already being experienced. applications must still be considered on their individual merits, however, but applicants would need to address the special policy issues in their operating schedules to demonstrate how they would not add to the cumulative effect already being experienced.

Under Guidance issued under the Licensing Act 2003 a licensing authority may designate a part of its area as a ‘Special Policy Area’. The Guidance states that it is important that applicants, responsible authorities and interested parties should know through the statement of licensing policy, whether the licensing authority already considers that a particular concentration of licensed premises in a particular part of its area is considered to be already causing a cumulative impact on one or more of the licensing objectives and to determine this local residents should be consulted.

“Cumulative impact” is not mentioned in the 2003 Act but in the Guidance means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The licensing authority may not impose conditions on or refuse to grant or vary a premises licence or club premises certificate unless it has received a representation from a responsible authority or interested party which is a relevant representation. The designation of a Special Policy Area thus must be evidence based.

Once an area is designated as a Special Policy Area applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants in such areas have the higher burden of demonstrating that they would not contribute to the cumulative impact being experienced in the SPA.

## 6. FINDINGS

### 6.1 *The Statement of Licensing Policy and the Special Policy Area*

The Licensing Act 2003 specifies that in drafting and implementing a Statement of Licensing Policy, the licensing authority must promote the four licensing objectives, which are:

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

The concept of 'cumulative impact' is not mentioned specifically in the Act. However, the revised Government Guidance issued under the Act (the "Guidance") states that cumulative impact is a proper matter for an authority to consider in developing its policy. It is defined in the Guidance as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. It is not to be judged by simply the amount of licensed activity in a locality, but rather the impact that activity has on the objectives.

With this in mind, Hackney Council undertook research in 2004 to identify areas within the borough where there was a high concentration of licensed premises, to consider whether cumulative impact was evident. The evening and late night economy in South Shoreditch has been rapidly expanding since the mid-1990s; it contains a high proportion (approximately 28 per cent) of Hackney's licensed premises (as termed under the Licensing Act 2003), as well as other commercial venues and residential property. It is an important destination for both Hackney residents and visitors to the borough. The area was often described as 'saturated', with estimates of up to 30,000 people coming into the area over a weekend to enjoy the facilities.

Two studies were commissioned to help with the assessment of cumulative impact in the area:

- The Hackney Night-Time Economy Evidence-Based Study Shoreditch Report
- Shoreditch Night-Time Economy Ambient Noise Study

These studies provided clear evidence that the growth in the night-time economy in Shoreditch had led to an increase in crime and noise nuisance, as well as other negative environmental and social effects. The evidence indicated that a number of locations in the area suffered through overcrowding, with the main stresses related to street drinking occurring where the pavements were particularly narrow and there was a high volume of vehicular and pedestrian traffic.

Based on this evidence, Hackney Council decided to adopt a 'Special Policy Area' (SPA) in Shoreditch. Under paragraph 3.18 of Guidance issued pursuant to section 182 of the Licensing Act 2003 there are five steps to the creation of an SPA:

1. Identifying concern about crime and disorder or public nuisance;
2. Considering whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
3. Identify the boundaries of the area where problems are occurring;
4. Consult, and subject to the outcome of the consultation –
5. Publish details of the special policy in the authority's licensing policy statement.

Adopting a Special Policy means that when representations are made with respect to a licence application within the defined area, there will be a 'rebuttable presumption' that the Council will refuse the application. In order for the licence to be granted, it falls to the applicant to demonstrate that the proposed licensable activity will not add to the cumulative impact already in evidence.

Representations in respect of a licence application can be made by any responsible authority (for example the Police or the Environmental Health Agency) or other interested party (such as a local resident or business), using the evidence base for the statement of licensing policy to argue that the application should be refused in order to safeguard the licensing objectives. If no representation is received, it remains the case that an application for a licence or variation must be granted, without conditions.

This means that the SPA is not an absolute policy. It allows for the circumstances of each application to be considered properly and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. In such cases, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. Furthermore, in the transition period from previous licensing legislation, the licensing authority were not allowed to attach conditions to new premises licences that reduced the rights guaranteed under previous applications (for example, it could not reduce the hours of trading to less than those permitted under the Licensing Act 1964 – this is referred to as 'grandfather rights').

## 6.2 *Reviewing the Statement of Licensing Policy in Hackney*

Members of the Commission were advised that that an interim review of Hackney's licensing policy was conducted in Autumn 2006. This review was conducted by the Hackney Licensing Partnership Forum, a forum of council, partner, resident and trade representatives. A number of pieces of evidence were used by the Council to review the policy at the initial one-year stage:

- Borough crime and disorder statistics from 2004 to 2006 (including Cadmis – 999 calls), regarding violent crime, criminal damage and other crime indicators;
- London Ambulance Service statistics 2005-2006;
- A Shoreditch Night-Time Economy Ambient Noise Study 2005 conducted in the autumn of 2005;
- A Shoreditch Night-Time Economy Ambient Noise Study 2006 conducted in Shoreditch over July, August and September 2006;

- The work of the Health in Hackney Scrutiny Commission including commissioned research into alcohol harm.
- Appeals against decisions in Hackney and elsewhere and what could be learned from these.

As a result of this interim review some minor changes to the drafting of the policy were recommended; these have been included in the consultation on the statutory review. Overall it was felt that the policy was robust and had been a success.

As required under the Licensing Act, the Council is undertaking the three-year review to determine how best to take forward the licensing regime over the next 36 months. A Member/officer working group has been meeting to move the review forward and to ensure the process and any redrafted policy is robust, fair and proportionate. It is also tasked with ensuring that local circumstances are reflected in any revised policy. The Cabinet Member for Neighbourhoods, the Chair of Regulatory Committee and the Chair of Licensing Committee attend this group. This meeting is also informed by the Licensing Implementation Working Group, which is attended by responsible authorities.

As part of the statutory review, the Council is continuing to monitor the effects of the night-time economy in Hackney, including the Special Policy Area, as well as considering other substantial policies.

The review of the Policy has aimed to address the following points:

- How effective has the Policy been? How should this be measured?
- Are there sections where the drafting could be improved? Are there elements of the Policy that need to be expanded?
- Has new evidence been collated, and what are its ramifications?
- What is the impact of the night-time economy on the four licensing objectives?
- What is the impact of the sale and/or consumption of alcohol on the four licensing objectives?
- New legislation or policies which may need to be integrated into the Licensing Policy or otherwise taken account of; for example, the Clean Neighbourhoods and Environment Act 2005, the smoking ban, reissued DCMS guidance (early 2007),
- Should participation in good practice schemes influence the determination of applications?
- Street and Shop Front Trading Policy
- Gambling Policy
- The impact of Licensing Joint Enforcement
- Lessons learnt from the appeals process.

None of the other London authorities visited by the Commission were anticipating making major changes to the policies they adopted three years ago. Both Westminster and Islington had undertaken extensive consultation on the original policies, and were planning smaller consultation exercises for the review. In Islington this would mainly be through articles in the press and on the Council's website; Westminster have published a consultation document. The Corporation were planning to speak to residents and licensees. None reported an intention to consult users of the night-time economy.

### 6.2.2 *Consultation as part of the review*

Under the Licensing Act, there is a statutory obligation to consult on any amendments to the Policy. A public consultation exercise is being conducted to receive the views of residents, businesses and traders about the current Policy and the redrafted version. It also aims to inform the wider community about the implementation of the Policy; this includes community organisations who may be interested in setting up licensing trading areas, or residents who live within the vicinity of these streets. Consultation is also being undertaken with the Police, the Fire Authority, and representative groups or individuals from licence-holders, as well as partner stakeholders including the Primary Care Trust, Drug Action Team, Waste Services, Environmental Health, Trading Standards, and so on.

### 6.3 *Evidence gathered as part of the review – consultants' reports*

Evidence and analysis about the impact of the Policy is being gathered from a number of sources to assist with the review. Sources include the Police, the Fire Authority, the Noise Pollution Team, the Community Safety Unit, the Ambulance Service and the CCTV team. Independent consultants have been commissioned to compare the relevant data sets from before the implementation of the Policy and from the present day, in the SPA and its surroundings.

#### 6.3.1 The first of these reports, prepared by Urban Practitioners, is *Shoreditch Night-Time Economy Study – Evidence Base Review*. Its aims were to provide an updated assessment of the views of users, residents and venue operators in Shoreditch, to review the activity and hours of operation of night-time premises in the area, to examine dispersal patterns and available modes of transport, to update the evidence base for the SPA, and to make recommendations in relation to the Council's licensing strategy.

The study found that the number of pubs, bars and nightclubs in the study area has remained relatively consistent. (There has been a significant rise in the number of bar-restaurants and restaurants in the study area, however this is identified as mainly due to the timing of the original study). There are two clusters of premises with closing times after midnight and later. The first is located on Kingsland Road, Shoreditch High Street, Old Street and Curtain Road. The second is outside the SPA, around Great Eastern Street.

Interviews were conducted with 250 residents (by telephone) and with 100 customers of licensed premises in the SPA. There has been a decrease in the proportion of residents stating that they found the night-time economy to be 'generally disruptive'; however, there has been a considerable increase in the proportion of residents wishing to see no further growth in the sector (42 per cent compared with 12 per cent in 2004). The most commonly-identified problems – noise from venues and from people outside venues – remain the same.

78 per cent of users of the night-time economy stated they felt 'fairly safe' or 'very safe' in Shoreditch, and the number of users identifying crime and anti-social behaviour as a significant problem has halved. There have been significant changes in transport modes, with buses and walking now being more popular than the underground. The proportion of people intending to leave Shoreditch before midnight remains consistent, but more people are now staying in the area later than

2am. Although in theory a limit on the number of licensed premises in an area could lead to an increase in prices, the Commission heard that survey data shows fewer visitors commenting on prices than in 2004.

The views of licensees, a sample of whom were interviewed face-to-face, were mixed; some stated they welcomed the Special Policy Area, some did not think it had an impact, and some stated it had a negative impact on business. Among the latter, the main concern was that the SPA had made the area less competitive compared to, for example, Brick Lane in Tower Hamlets and Essex Road in Islington. Some operators expressed the view that the SPA failed to reward well-managed venues.

Although there has been an overall reduction in crime levels, levels of violent crime were approximately 15 per cent higher in Shoreditch in 2006/07 than in 2005/06. Violent crime is most prevalent on Old Street and Hoxton Square.

In relation to public realm, evidence was presented which showed improvements in street cleaning overall, but also in service levels specifically in the evening and at weekend – the peak periods for the night time economy. Other public realm initiatives and their potential to positively impact on the way LBH at partners manage the NTE are referred to elsewhere in this report (*section 6.11*).

At the time of writing, it is expected that the consultants will recommend that the Special Policy Area is retained, on the basis that it has ensured control over growth in the night-time economy in an area of demonstrable cumulative impact, and that it assists the responsible authorities in managing the impact of noise nuisance and crime and disorder. The consultants considered that the SPA has ‘successfully stemmed the tide’.

Other recommendations from the report include:

- work towards the introduction of a taxi rank;
- work towards the introduction of CCTV cameras to cover ‘gaps’ on Curtain Road, and at the junction of Charlotte Road and Rivington Street;
- strengthen PubWatch scheme and promote licensing forums;
- continue proactive approach to planning and use of licensing powers.

### 6.3.2 *Noise nuisance in the Special Policy Area*

The *Shoreditch Night-Time Economy Ambient Noise Study* is based on surveys undertaken at four locations around the Special Policy Area: Old Street, Charlotte Road, Curtain Road and Hoxton Square. Noise levels were found to be consistently above recommended criteria for acceptable living conditions. Road traffic and large crowds of people are the main sources of ambient noise, with maximum levels caused by emergency sirens, car horns and actions of visitors (e.g. shouting). Comparison with previous surveys in 2004, 2005 and 2006 shows that there has been little change in both ambient and maximum noise. The consultants concluded that the noise data continues to support the operation of the Shoreditch SPA. They also noted that the smoking ban carries the potential for increased noise levels, particularly around Charlotte Street and Hoxton Square.

LBH Enforcement Officers informed the Commission that the Shoreditch area accounts for up to thirty per cent of all noise complaints within the borough. Complaints are triggered, among other things, by early morning deliveries, air conditioning units, music and voices on the street.

Policy 4A.14 of the London Plan states that 'the Mayor will and boroughs should reduce noise by ... containing noise from late night entertainment and other 24-hour activities, and where appropriate promoting well-managed designated locations'. Whereas the Mayor's **Ambient Noise Strategy** makes it clear that planning policies that promote mix and diversity across a town centre as a whole do not require directly adjacent mixing of uses which have the most conflicting demands for buzz or quiet, such as the random mixing of late night bars and clubs together with flat conversions (paragraphs 4F.19-22 and Policy 76).

#### 6.4 *Views of other responsible authorities*

A team of four police officers is involved in policing licensing-related activity. They also support the licensed trade in preparing for reviews or applications. Specific initiatives have been undertaken, for example the development of a protocol for dealing with illegal raves, and purchase of an ion itemiser for testing surfaces for drugs.

A further issue highlighted by the Police is the large crowds of people now congregating outside venues to smoke. The Police informed the Commission that the majority of data obtained and collated within the area could be fairly confidently attributed to the night-time economy, as there were no other significant known factors (for example, there are no gangs known to be operating locally). The Police representatives stated that they would like to see the Special Policy Area continue, as they feel it has contributed to a reduction in crime in the Shoreditch area. Without the SPA, the Police argue that they would have to deploy more resources in the area, which would inevitably detract from policing elsewhere in the borough.

The Fire Authority advised the Commission that there had been no significant increase in the number of fires or call-outs in the Shoreditch area, although there have been a number of more local spikes in secondary fires in locations such as Hoxton Square. The greatest difficulty associated with the expansion of the night-time economy has been parking, with narrow streets becoming inaccessible to emergency vehicles. This is not only caused by parking by visitors to licensing premises, but the operation of minicabs. For example, the Fire Service often needs to take quick action to ensure that Shoreditch Fire Station remains operational and accessible by their vehicles.

##### 6.4.1 At the time of writing our report no comprehensive health data was available

## 6.4.2 Policing the Special Policy Area

One of the primary concerns with the night time economy is levels of crime and disorder. The correlation between violence and alcohol consumption is well documented. In both Ealing and Camden assembling police crime data was a crucial part of assessing the impact of the night time economy. Westminster City Council have significant experience of using police night time crime and incident data in the West End to inform service planning and operations.

Haggerston is one of nineteen wards within the London Borough of Hackney. It contains residential and commercial premises overlapping in close proximity, a significant proportion in the south of the ward being Night Time economy based. Hackney has 729 licensed premises, Haggerston having 207 of those (28% of the Borough Total). Based on the 2001 Census, Hackney has a population 202,824 of which 10,366 reside in Haggerston Ward.

This is 5% of the Borough's residential population and yet it has the following statistics;

- 8th out of the 624 London wards by Victimization rate per 1000 population.
- 11th out of the 624 in the MPS for BCS Comparator Crime by volume.
- 2 significant drug markets situated in close vicinity.
- Numerous gangs located within or on its boundaries impacting upon gun enabled crime and also 'fear of crime'. 6 ASBO's recently issued to the Love of Money Gang.
- 'Late Night Economy' within southern part of Haggerston contributing to high levels of Crime and Disorder.
- Haggerston chosen as one of 3 wards for Anti-Social Behaviour Initiative.

Ranking	Ward Name	Borough Name	BCS	Population	Victim Rate
1	West End	Westminster	1465	7463	196.3
2	St James's	Westminster	1180	8658	136.3
3	Grove	Kingston upon Thames	484	7864	61.5
4	Camden Town with Primrose Hill	Camden	628	11574	54.3
5	Holborn and Covent Garden	Camden	568	10645	53.4
6	Bloomsbury	Camden	467	9224	50.6
7	Stratford and New Town	Newham	578	12378	46.7
8	Haggerston	Hackney	477	10366	46.0
9	St Mary's	Islington	448	10499	42.7
10	Finsbury Park	Islington	488	12448	39.2
620	Selsdon and Ballards	Croydon	67	11879	5.6
621	Cranham	Havering	64	12242	5.2
622	Brampton	Bexley	53	10387	5.1
623	Blackfen and Lamorbey	Bexley	51	10419	4.9
624	Sanderstead	Croydon	59	12165	4.8

We understand that it is possible to identify a number of crimes as specifically related to the night time economy which include; ABH, Common Assault, GBH,

Theft/taking of pedal cycles. We were advised that the peak times for such activity was either concentrated (depending upon the crime) around when the NTE starts for the evening (20:00hrs onwards) or occurs between 0000hrs and 0300hrs, corresponding with 'kicking-out' times. Similarly data maps show many such crimes are concentrated in and/or around specific premises.

The police have therefore brought forward proposals which propose the creation of a designated and permanent team to tackle issues specifically associated with the night time economy. We established that such proposals would allow for the current Safer Neighbourhood Team to concentrate on community issues and other local priorities.

This will result in one sergeant, one full-time and two part-time constables working solely on reducing problems associated with the night-time economy in Shoreditch – which could be anything from dealing with on-street hot-dog sellers, to taxi touts and drug dealing. The Police have also been given new powers, under Section 27 of the Violent Crime Reduction Act 2006, to direct an individual to leave a locality to minimise the risk of alcohol-related crime or disorder taking place. Joint patrols with the Environmental Enforcement and Noise Pollution teams are undertaken, and the Police use a wireless computer to input data to a central, shared database. Similar specialised Police teams are in place in Camden and in Islington.

We also established that the police join up to four operations a year with Transport for London to deal with parking and illegal minicabs, however some believe such operations may unfortunately only result in the temporary displacement of such activities. Locally a start has now also been made on suggesting conditions on licences which make licensees responsible for not letting minicabs congregate outside their premises.

We understand that current LAA stretch targets are relevant to the police and require reduction in Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH). As a result of such focus a reduction of 20 per cent in Grievous Bodily Harm and 9.5 per cent in Actual Bodily Harm had been achieved in the Shoreditch area. During a visit to a neighbouring borough we heard how LAA funds are used to provide additional resources used and required to manage the night-time economy. For example we heard how such funds have paid for the provision of a dedicated policing team during specific peak periods for the NTE such as around Christmas – ensuring additional resources exists in order mirror periods of increased demand.

We believe that the fuller exploration of such additional funding opportunities offers a potentially useful area for LBH and its partners to explore. The sort of proactive response to anticipated heightened demand and/or joint visits by both Council and police officers following specific incidents at licensed premises as explained to us add value and have the potential to lead to a targeted reduction in NTE associated crimes.

## 6.5 *Parking*

Following a number of observations relayed to us by responsible authorities, residents and those involved in the licensed trade we encountered the view that those visiting the NTE in Shoreditch or providing services to revellers were hampering access to the area. As a result we requested evidence from the LBH parking service within this part of the borough.

### 6.5.1 *Parking Enforcement Principles*

The London Borough of Hackney has been established as an SPA (parking) across the entire borough. Hackney Parking Services currently has 14 Controlled Parking Zones (CPZs) in operation which covers half the borough. These CPZs have different operating hours with various parking restrictions which service the needs of residents, businesses and visitors. Hackney Council conducts an annual review of every new CPZ implemented and a three year review cycle thereafter for each CPZ.

The CPZ reviews help to identify the changing traffic needs of the borough and allow the Council to appropriately allocate parking spaces in consultation with stakeholders such as residents, businesses, TfL and the Emergency Services. As part of the parking consultation process, the Council is required to prioritise road safety. Safety is a key consideration in our process for designing and reviewing CPZs. Main considerations are:

- We ensure that we maintain an eight meter junction protection on every road where possible, with ten meters on busier through roads.
- We ensure that we maintain a clear running width for emergency vehicle access.
- We restrict parking in front of access points and ensure areas are kept clear for other Council services, including refuse collection.
- The Council also avoids implementing pavement parking to promote pedestrian safety.
- We implement double yellow lines/single yellow lines to create vehicle passing gaps in longer roads.
- We also implement double yellow lines at tight corners and bends to improve road safety.

These considerations form part of the principal safety considerations when designing CPZs. We also actively seek feedback from the emergency services on these issues while making further consideration for their strategic emergency routes across the borough.

The majority of roads within a CPZ are the responsibility of LBH Parking Services; this responsibility includes the maintenance of signs and lines and management of any enforcement issues. The only exceptions are roads classified as red routes which are the responsibility of Transport for London and private roads which are the responsibility of the freeholder of the land. Any road which falls outside of a CPZ is managed by street scene in terms of the implementation of restrictions, however the enforcement of restrictions put in place are managed by Parking Services.

As stated above the enforcement of restrictions, aside from Red Routes and private roads, are managed by Parking Services. Although parking bays are non enforceable outside of controlled hours, double yellow lines, disabled bays and bus stops are enforceable 24 hours per day, seven days a week as well as on Bank holidays and Sundays. Also, some single yellow lines are enforceable outside of the CPZ hours if they are accompanied by a sign stating additional hours.

With regards to the location of parking bays within the SPA these are allocated according to the Hierarchy of Needs as specified in the Parking Enforcement Plan (PEP) and the CPZ Design Criteria which identifies the type of restrictions that should be applied dependent on the demographics of the area, for example in residential/commercial areas and streets surrounding schools or public buildings. When implementing parking bays, consideration will also be given to feedback received from the consultations which take place with internal and external stakeholders.

#### *6.5.2 Responsive parking services*

LBH is able to evaluate areas where there is an urgent need for a review of parking layout due to safety implications. We work with the emergency services to provide a road layout which not only caters for the needs of the road users within the borough, but also the emergency services themselves and if any specific issues are raised these are dealt with as a matter of urgency.

Parking Services also offers a Rapid Response Enforcement Unit to deal with vehicles parked causing an obstruction and will aim to remove such vehicles as soon as possible once they have been reported to us.

#### *6.5.3 Shoreditch Parking Area*

Whilst Shoreditch Fire Station falls within Zone A, the service was consulted as part of the Zone B CPZ review in 2005 due to its proximity to the streets within this zone. Zone A is due to be reviewed towards the end of 2008 and again each emergency service will be consulted to ensure that any issues raised are taken into account in the overall CPZ Design. LBH are able to evaluate urgent emergency issues outside the consultation timeframe.

During the Zone B consultation, safety representatives from the emergency services provided safety assessments of each road and junction within the scheme; they also welcomed the introduction of junction protection. The Fire Service stressed the importance of implementing junction protection, as they believed people's lives had been placed at risk by fire engines not being able to access streets in the past in both Hackney and other London boroughs.

Certain issues regarding the streets within Shoreditch and in close proximity to the fire station were identified, which included the issue that many streets in the area are narrow and that there is a prominent night-time economy in operation within Shoreditch which attracts visitors to the area often outside of normal hours of control for the CPZ. At the time of the Zone B review a large proportion of streets had single yellow lines in place which allowed vehicles to park outside of the zones enforcement hours. This has since been changed with single yellow lines within narrow streets being upgraded to double yellow lines and therefore preventing vehicles from parking and causing an obstruction to the flow of traffic.

Any vehicles which are parked in contravention, for example on double yellow lines or the footway are dealt with by the Council's Parking Enforcement Contractor who regularly patrol the area twenty-four hours a day, seven days a week.

#### 6.6 *Special policies in other local authorities*

A small number of Special Policy Areas are in operation elsewhere in the country; however there are more examples of policies that are similar in intent and effect despite not being referred to as 'Special Policy Areas'. The London Boroughs of Richmond, Camden and the City of Westminster, for example, define 'Stress Areas' in their statements of licensing policy. Further afield, in Plymouth, Liverpool and Manchester, among other places, joint working is going on to actively manage the local night-time economy; this can include better management of taxi ranks, and increased co-operation with bus companies over hours of operation.

The City of Westminster's policy delineates three 'Stress Areas', in the West End, Edgware Road and Queensway/Bayswater; these are similar in intent to Special Policy Areas. There is a strong presumption against granting licences beyond stated 'core hours' in the Stress Areas. We heard how a great deal of work was done to establish the evidence base for this approach when it was adopted. The principal rationale for the West End Stress Area was a high level of crime and disorder, and this data continues to be monitored. Westminster perceive that the main question has been not whether to retain the Stress Areas, but whether to expand them; although some residents have requested this, it has been rejected, again on the basis of crime and disorder data. The City Council believes that the 'Stress Area' policy has contributed to a reduction in crime in the West End.

The London Borough of Islington identified in its policy three areas which would be subject to close monitoring: Clerkenwell, King's Cross and Arsenal (the latter principally on matchdays). No particular problems were seen to have arisen in these areas, however, so the revised statement of licensing policy is expected to be generalised across the borough.

#### 6.7 *The effect of the smoking ban*

The *Shoreditch Night-Time Economy Study* highlighted the as-yet unknown long-term effects of the smoking ban as a management challenge for the future. Police representatives reported to the Commission that the smoking ban has caused some problems since its introduction in June 2007; this is not usually to do with breaches of the ban inside licensed premises or general levels of crime and disorder, but rather people congregating outside premises to smoke. This is sometimes in marked-off areas, sometimes not, and can cause obstructions and noise disturbance. (There is only one known licensed venue in the SPA which has been granted permission for outdoor seats and tables.) Joint patrols have been undertaken with the Smoke-Free London team. Police representatives expressed the view that it would be helpful to be able to place conditions on licenses about restricting the number of patrons who can be outside at any one time. The Police have looked at making comparisons with Dublin (where a smoking ban was introduced in 2004), however they emphasised that to some extent we will have to wait and see how the situation develops, particularly in view of the bad weather over summer 2007. The statement of licensing policy will in its revised version therefore need to make certain assumptions about how the issue will affect premises in the longer term.

The Corporation of London reported that they had received a lot of new applications for outdoor furniture licences since the smoking legislation came into effect. Representatives of the London Borough of Islington were confident that their existing policy on outside areas will give them sufficient control over issues related to the ban. No noise complaints have been received in Islington to date related to outdoor smoking. The City of Westminster, however, are experiencing substantial problems; they feel the ban has exacerbated the long-standing problem of large crowds drinking outside pubs on Friday and Saturday nights.

#### 6.8 *Off-licences*

At a meeting with licensees, the Commission heard a view that much of the activity on the streets of Shoreditch late at night – for example, noise and street drinking – could be associated with off-licences. Licensees expressed the opinion that off-licences were treated relatively leniently in the enforcement regime. Members were informed by LBH enforcement officers that two off-licences are known to operate within the Special Policy Area; however they acknowledged that it is difficult to judge the effects that off-licences in neighbouring areas may have on the SPA.

Of the other local authorities visited by the Commission, LB Islington was the only one where specific issues had arisen in relation to off-licences. Islington places conditions on off-licences, typically in relation to noise, making the licensee responsible for moving people on from outside their premises. Off-licences are included in the strong Pubwatch scheme in the Arsenal area, which has assisted with enforcing the 'no glass' policy on matchdays.

We feel the issue of off-licences to be a potentially prominent one and one where little local or national data appears to exist. Much effort can be made to manage and support the licensed trade in a given area but off-licenses have the potential to impact upon and influence the feel and actions in such areas and may reduce the benefits of any co-ordinated activity. It is therefore with some regret that, owing to the timescales we needed to comply with for this work to remain timely and to contribute to a revised LBH policy, we were not able to review this area and its implication more thoroughly.

#### 6.9 *Views of the public*

Shoreditch residents were invited to attend a meeting of the Commission to give their views on the review of the licensing policy and the Special Policy Area in particular. Members of the public who attended were firmly in favour of the retention of the SPA.

It was observed by members of the public that the attitudes of both licensees and the responsible authorities had become more productive and pro-active over the past few years. There was also some recognition that the concentration of licensed premises in the area can be a positive attraction for some people in deciding where to live. The main concern expressed relating to the concentration of licensed premises was low-level but disruptive disturbances on the street late into the night. This late-night noise was felt to have increased since the adoption of the SPA, and residents also expressed a view that the profile of visitors to the area had changed, with more large groups now in evidence and greatly increased numbers generally.

It is important to acknowledge that at the time of writing that a live consultation remains on-going in relation to the review of the Licensing Policy and that our requesting the views of and hearing from the public was not intended to replace such an exercise. We have not been able to consider the results of this exercise but have reviewed the proposed consultation plans.

#### 6.10 *The Licensed Trade*

We have referred elsewhere in this report to the participative nature of the licensed trade within LBH and a number of the consultation forums which meet regularly. We felt it was important to specifically meet with the trade in order to hear their point of view. The following points were made to us (and are not replicated elsewhere within this report);

- Restricted licensed hours limit business – making it difficult to operate a viable business.
- Following the introduction of the SPA licensees representatives believe a number of premises have closed
- Desire to introduce staggered hours of closing exists which has the potential to assist with a reduction in the level of disorder experienced in the area at any one time.  
Extended licensing hours has led to customers starting drinking later and often staying out later but SPA results in Shoreditch businesses missing out on custom
- Shoreditch secures the vast majority of its custom on Friday and Saturday nights
- As the area's reputation has enhanced rents and other costs have also gone up resulting in increased overheads. Meaning limited potential for local investment as licensees have limited scope to re-coup such costs
- Improvements in the area are not due to the SPA but to enhanced activities from responsible authorities

#### 6.11 *Environmental activity*

During our review the Commission became aware of a number of initiatives underway in relation to environment related activity in the borough. We considered a number of reports setting out the borough's approach to such areas (detailed below) as we concluded the way in which LBH provides services and support effective environmental enforcement, collection of waste and management of the street-scene and transport flow has the potential to influence the impact of the night-time economy. Well managed environmental services can make a highly concentrated night time economy easier to manage and mitigate a number of its potentially adverse consequences. LBH should continue to strive to ensure all such existing mechanisms are used, made to work and are enforced rather than develop additional layers of regulation.

The Commission heard that the Council, with its partners, has taken significant steps over the last year to manage the enforcement of the licensing regime. There have been some high profile prosecutions, licence reviews and closures since the adoption of the policy. Pro-active partnership working, such as licensing enforcement nights involving the police, environmental enforcement and noise pollution officers, is seen as key to ensuring patrons know they can enjoy

themselves in well-managed venues. Officers believe that a good, productive relationship has developed with licensees across the borough.

#### 6.11.1 *Environmental Action Areas*

We understand that LBH has given consideration to ways of delivering and supporting a more effective and focused set of Hackney environment services founded upon joined up services and providing focus and impact with key parts of the borough.

To this end we established that the Borough has identified a number of areas where developing this closer working could best be maximised based around three pilot areas Shoreditch, Hackney Central and Dalston. The result has been the appointment of 3 area “champions” from senior managers of existing cross directorate teams whose job it is to take direct responsibility for the centres with a view to ensuring that the various service areas tasked to deliver a cleaner Hackney are directed in the most effective way maximising Management & Partnership Working, Information Management and Communications, Leadership & Policy, Community Consultation & Meeting & Forums

#### 6.11.2 *Orsman Road Initiative*

An initiative which seeks to co-locate Environmental Enforcement, Community Policing Teams, Community Safety, Street Warden Teams, Park Ranger services and supported by other borough facilities such as CCTV in order to provide Neighbourhood Enforcement Offices - we also understand it is the first of its kind in the UK both creating and making a reality multi-disciplinary planning meetings. In addition we understand such arrangements are supported by supplementary meetings designed to embed closer liaison with front line teams, for example, waste services, street cleaning, street trading, licensing and planning.

The initiative is in essence one designed to wherever possible more effectively use existing budgets and resources in order to strengthen performance management arrangements and partnership at the times and locations required to manage the problem (i.e in respect of NTE - 24/7 and with mobile and highly responsive teams), based upon shared targets which have been shaped by the community. Results are communicated and interagency working is maximised and underpinned through enhanced communication and is therefore something that this Commission was both thoroughly impressed with and commends.

#### 6.11.3 *A10 project*

An initiative designed to tackle a section of the A10 in a concerted effort to tackle a number of environmental consequences in a specific area in a targeted way and can be summarised as set out below;

- Street Cleansing Improvements – refocused efforts supported by increased monitoring
- Graffiti Removal – earlier identification and removal
- Highway Enforcement – improved partnership working with TfL, increased focus on removal obstacles and shop front trading

- Commercial Waste Issues - pilot programme for removing commercial waste bins supported by regularised, disciplined and managed collection and follow up of rules breakers

We understand that an aspiration exists for the lessons learnt from this project, in terms of partnership working between these services and effective use of resources, to be shared and implemented borough-wide.

#### 6.12 *Managing licensing issues across local authority boundaries*

The studies commissioned by Hackney Council cover only an area within the borough's boundaries; the potential effect of licensed activities in neighbouring boroughs on cumulative impact in Shoreditch was not evaluated. In giving evidence to the Commission, the Fire Service offered anecdotal evidence that licensed premises in the part of Islington on the south side of Old Street (where there are very few residents) may contribute to the cumulative impact experienced by Hackney residents. The Fire Service also offered the view that neighbouring boroughs may adopt different approaches to parking enforcement.

None of the authorities visited by the Commission had instituted formal arrangements for working with their neighbouring authorities on licensing policy or enforcement. There are, however, instances of informal co-operation; for example, on the border between the two authorities, enforcement duties are shared between Islington and the London Borough of Camden. Islington also has some contact with the Corporation of London regarding street-cleaning needs in the area around the club Fabric, and the Corporation stated it in turn works in liaison with LB Tower Hamlets. The City of Westminster are aware of the potential for cross-border cumulative impact – the eastern edge of their West End Stress Area abuts Camden – but no analysis of the situation has been made as yet. Representatives of LB Islington stated they were not aware of any cumulative impact of Islington premises on Hackney residents, or any negative effects of the Shoreditch SPA on Islington. However, there are persistent complaints from Hackney residents to Islington Council about a venue adjacent to Shoreditch; Islington's own monitoring does not, they believe, bear these complaints out.

#### 6.13 *Pan – London context, options for area management and BiDs*

##### 6.13.1 *Best Practice Guidance Managing the Night Time Economy*

The GLA and Mayor of London state in numerous publications that London is a great city for going out – this is a conclusion we would not wish to query. However the night time economy can also sometimes be the cause of nuisance. Such a situation means there will frequently be a need and desire to strike a balance between the competing pressures of those living and visiting an area. For example, so as to allow a resident to enjoy a quiet night's sleep, to feel safe and to find streets that aren't taken over by the debris of the night before.

'Boroughs and many others involved in the life of London's town centres should seek to promote the night time economy while managing its impacts. Anti-social behaviour, litter, noise, disturbance and other individual and cumulative impacts of the night time economy need to be addressed in a pro-active and integrated way.

'The Mayor's culture strategy supports management of the night time economy, recognising its importance to London's diverse communities, and a use where Londoners are joined by large numbers of visitors. It encourages greater diversification of the night time economy which "would assist in reducing the current extremes". This would involve increasing cultural activity as well as a wide range of opportunities for dining and drinking .... success in developing cultural quarters needs to be built upon, and that "effective management arrangements [such as the EMZ concept] and promotional opportunities ... where appropriate "support evening and night time entertainment activities in central London, City fringe areas and town centres.

'Some parts of London have been transformed over the last twenty years by the expansion of the night time economy. The greatest agglomeration of these activities remains concentrated in parts of central London. However, strategically important clusters have developed in parts of its fringe and in some town centres'<sup>1</sup>.

For this Commission these issues clearly relate to areas of Hackney, such as Shoreditch, with its well recognised and visible night time economy and its location so close to the expanding and apparently booming city. Shoreditch's importance is recognised within the GLA's publication - Best Practice Guidance Managing the Night Time Economy

<sup>1</sup> Best Practice Guidance Managing the Night Time Economy

### 6.13.2 *Area management*

Town centre management is a co-ordinated initiative to ensure that town centres are desirable and attractive places. Business input into town centre management is necessary to understand what will work from a retail perspective and can provide a valuable source of funding for public realm improvements. This Commission reviewed work undertaken by other scrutiny commissions that have looked at the types of partnerships that have been set up to manage local centres.

'Town Centre Management Schemes (TCMS) are partnerships between a local authority and local businesses to develop a strategy for a town centre. They are generally funded by the partners for an initial three-year period. Some partnerships have secured additional funding from the National Lottery, the European Union or appropriate Regional Development Agency. When first established, many town centre management initiatives focus on resolving an environmental, security or marketing problem but most evolve to have a far wider remit.

The Central London Partnership (CLP) is a public-private partnership involving eight London boroughs with a mission 'to make central London a better place to live, work, invest and visit'. The partnership aims to bring together the different sectors involved in managing the public realm to share information; work towards improving movement, urban quality and prospects for people and business; and to speak up for central London.

In 2001, 22 pilot Business Improvement Districts (BIDs) were set up across the UK, including 5 London BIDs supported by The Circle Initiative. The legal framework for BIDs was set by the Local Government Act 2003 with BIDS Regulations launched in

2004. In ballots subsequently held between since November 2004 to launch formal BIDs, 20 districts have voted in favour of a BID proposal and 5 have voted against.

A BID is a flexible funding mechanism to improve and manage a clearly defined commercial area through the provision of added value services. It is established for a specified period of time (to a maximum of 5 years) for a prescribed set of services and based on a mandatory levy on all defined ratepayers following a majority (in terms of number of ratepayers and the proportion of their rateable value) vote. As well as delivering cleaner, greener, safer measures, BIDs provide a voice for businesses.

The development of a BID is initiated by businesses, who identify the area and the issues and put together a proposal which includes delivery guarantees, performance indicators and management structure. The BID team and the local authority must work closely together, with businesses involved at every stage of the process.

Various issues were noted in relation to the viability of a BID in Stoke Newington. A BID usually develops out of a strong existing partnership between the business community, the local authority and other stakeholders which is not currently in place in Stoke Newington. The requirement of lease-holders rather than free-holders to pay the levy has been contentious locally as well as elsewhere, as arguably free-holders have more to gain long-term from improvements. Business representatives also expressed concern that the Council may not stick to the agreed level of baseline services once the BID was in place and therefore businesses would pay for services they are already entitled to.

Moreover the low spending in Hackney centres indicated by the Retail and Leisure Surveys means that the fiscal base for an additional BID levy is very limited, although the Commission noted that a pound-for-pound BIDs levy is not the only mechanism for income-raising and can be supplemented by voluntary contributions or EU money<sup>2</sup>.

Such initiatives are worthy of consideration however this Commission encountered some scepticism amongst publicans and licensees who shared the view that they would experience only limited gains (as lessee's) from any improvement of an area. An argument was also put forward that with restrictions placed upon their hours of operation afforded them inadequate potential to increase revenue without which the trade felt they could not support such an initiative.

<sup>2</sup> Regeneration and Social Inclusion Commission – Public Realm Review 2005/6

### 6.13.3 Entertainment Management Zones (EMZs)

EMZs are explained in the Mayor's London Plan (February 2004) as geographically defined areas where a forum of agencies work together to tackle issues associated with the evening and night-time economy. An EMZ can be designated in areas where there is a concentration of entertainment activities or in locations where growth of entertainment uses is planned.

An EMZ does not have to involve additional regulation or requirements for licensed premises, but could recognise existing partnership working and any additional resources that have been focused in an area and may therefore may provide tools within the area to deal with the cumulative impact. Indeed as a Commission we feel that little to no appetite exist in Hackney for any additional regulation beyond the existing specials policy area.

In more recent publications the Mayor of London sets out and builds upon the Entertainment Management Zone concept and the issues which affecting it. Relevant components it is suggested might be involved include local authority planning, licensing, trading standards and environmental services departments, town centre management partnerships or agencies (including Business Improvement Districts), the police and ambulance services and Accident and Emergency Departments, crime reduction partnerships and transport providers.

For example the Mayor of London refers to Camden and Ealing as local authorities which perform particularly well in collating data in order to appropriately asses the effects of the night time economy. These include;

- An assessment of the size and value of the night time economy (NTE).
- Carrying out a survey of participants in the NTE
- A pedestrian flow analysis resulting in identification of congested areas at different times of the evening; and to assess the relative levels of negative impacts (e.g. crime, disorder, anti-social behaviour, nuisance etc.)
- The use of Geographical Information Systems (GIS) to map data
- Comparing performance and approaches to managing NTE to elsewhere

All of which it is suggested would above all assist local authorities by highlighting particular areas and specific issues resulting in the more efficient targeting of management activities. We feel Hackney's current approach compares relatively favourably to that set out above.

When we met with Westminster we heard from them how the scale and intensity of activity is unique, meaning both the local authority and the police established a high-level dedicated management focus as well as close collaborative working at operational level in a wide range of different service areas. Hackney does not currently have such a specifically designated resource. The London Plan does not seek a 'one size fits all' approach to the night time economy but does stress the need for a partnership approach to managing cultural and leisure activities generally and underscores the geographical dimension to policy implementation. It specifically requires development plans "where appropriate (to) support evening and night time entertainment activities in central London, City fringe areas and town centres and where appropriate manage their impact through policies such as Entertainment Management Zones"<sup>1</sup>.

The *Shoreditch Night-Time Economy Study – Evidence Base Review* suggests that the night-time economy in this part of Hackney may benefit from the development of an Entertainment Management Zone (EMZ), or a similar management model, covering a wider area around the SPA. This would continue and develop the partnership working and additional resources that have been focused on the area since 2005, allowing pressure to be managed in the ‘buffer zone’.

The Commission heard how such a *possible tool is available to local authorities but which to the known extent had not been put in place by any local authority to date*. Our understanding of the EMZ concept is based upon a presumption that it seeks to ensure a robust and comprehensive understanding of the impacts of the night time economy whilst also reflecting the wider context of an area, which ideally would seek to establish a structure to co-ordinate pro-active policy, regulatory, enforcement and other actions. In Hackney’s case we would envisage such a proposal would be taken forward as a means of further enhancing our management, organisation and partnership capacity to respond to circumstances arising from the night time economy in effect creating a formal structure by which some already existing activities (i.e Licensing Partnership Forum) may be recorded and arrangements formalised.

Through conducting this review we have come to understand that ‘Special Policies’ can constrain development of night time economy uses in a particular area where there is a demonstrable cumulative impact and where they are considered necessary and appropriate. However, they cannot, and in our view, should not solely be relied upon to resolve the negative cumulative impacts which may already exist as they are unlikely to limit overall growth or demand for night time economy uses in the wider area.

<sup>1</sup> Best Practice Guidance Managing the Night Time Economy

#### 6.14 *Best Bar None Scheme*

In Islington, Best Bar None (BBN) is run as a continuous accreditation scheme (rather than an annual awards event), and is promoted through PubWatch. They rely on the publicity given to venues – whether negative or positive – to encourage active participation in the scheme. The City of Westminster do not run a good practice scheme; they feel that it would divert their resources from enforcement with problematic venues, and that it would not work as effectively in an area that does not have a contained market with localised press.

LBH operates such scheme in partnership with the local police, the scheme currently operates on an annual basis in partnership and is based upon an approach first developed in Manchester in 2001. The Home Office has now endorsed BBN as best practice. The LBH scheme was launched, through a Shoreditch pilot in the summer of 2006

The scheme recognises:

- Good management practices
- Customer care programmes
- Safe drinking promotions
- Prevention of crime and disorder practises

The LBH BBN scheme aims to establish standards of excellence for the management/operation of Hackney's licensed premises, promote best practice, encourage a responsible drinking culture within Hackney. Judge on the efforts made to create a safe and pleasant environment for patrons, visitors, staff and local residents, encourage liaison with Licensees, Enforcement Agencies and Licensing Service whilst at all times promoting Hackney's Statement of Licensing Policy and the Licensing Objectives,

We established that in the schemes first year, when piloted, around twenty per cent of LBH premises within the SPA applied. The suggestion was made that greater participation would take place if the scheme was given added weight whether through promoting premises who received accreditation (resulting in increased trade) or recognising the best bar none scheme as a positive within the licensing application process.

## 7 CONCLUSIONS

As referred to elsewhere in this report the Commission has only made recommendations in relation to the draft policy (its special policy area (Shoreditch)) and the manner and means by which the consultation process has taken place in so far as it was possible for us to judge this process within the timescales and as it is progressing.

However we have made a number of observations where we believe additional consideration may be useful, in order to further assist the authority and its partners, in developing its ability to effectively manage and respond to the challenging issues of managing licensed premises particularly within the Shoreditch area. We consider such areas identified below as ones which may best be taken forward over the next one to three years but prior to the next scheduled full review of the licensing policy.

We propose such matters might be progressed jointly through a variety of forums including the Licensing Partnership Forum, Licensing Strategic Steering Group, the Regulatory Committee and the Safer, Cleaner, Greener Thematic Partnership of Team Hackney

- ( A )** If, as anticipated, the Borough continues to be pro-active in regularly reviewing its Licensing Policy the Commission believes benefit could be realised if the review exercise begins up to one year in advance of the target end date i.e by the end 2009.

Early identification of a designated resource would greatly assist in the manageable delivery of such a complex project. Similarly we believe that early participation and submission of data by responsible authorities would assist the Licensing Authority to continue to develop and deliver an appropriate and fit for purpose Licensing Policy.

- ( B )** During our review it became apparent that the full effects of the Smoking Ban are not known and may be yet to fully materialise.

When considering the cumulative impact of licensed premises as have resulted in the introduction of the SPA in Shoreditch we believe that that the smoking ban has the potential to be a significant contributor to a number of issues ranging from increased ambient noise, access and the right of way (street furniture) and health and safety when, for example, considering the potential for revellers to spill out on to the street of what is an area with often very narrow roads and pavement.

We believe that the borough would benefit from the development of a coherent and comprehensive approach to managing the consequences on public spaces of the smoking ban specifically in relation to the night time economy.

We would also encourage a commitment to regular monitoring of the noise situation within Shoreditch as demonstrated through the 2004, 2005, 2006 and 2007 Ambient Noise Surveys. Such exercises would also allow for the establishment of baseline data on the effect of the Smoking Ban.

**( C )** We believe that part of a successful, well run and effectively managed Shoreditch is one where all Responsible Authorities' activities are co-ordinated. To this extent we commend the initiative and progress being made through the Orsman Road Project which we understand for the first time in the UK makes possible the co-location of neighbourhood enforcement officers.

We have also considered reports on the A10 Project Trial (referred to elsewhere in the report - dealing with Street Cleansing Improvements, Graffiti Removal, Highway Enforcement, Commercial Waste) and believe that the Borough should seek over the medium term to make concerted efforts in relation to enforcement in SPA area as follows;

- Full audit and enforcement of Street Trading and Furniture policies
- Extension of A10 project
- Review and possible extended enforcement of parking restrictions at evening peak times

**( D )** We have briefly considered GLA and Mayor of London produced documents (including Managing the Night Time Economy – Best Practice Guide and the London Plan) which makes reference to Entertainment Management Zones (EMZ) as a concept. In addition the LBH commissioned Night Time Economy Report recommends the adoption of such a scheme.

We have referred to EMZ's elsewhere within this report and will not allude to the concept further here. Suffice to say we feel that they or another comparable model may offer a potentially useful tool to (at present) compliment the SPA.

We have supported the retention of the SPA but believe a fuller exploration of a locally developed partnership framework, designed to support and manage the consequences of the licensed trade, in the areas surrounding the SPA would be beneficial to the borough, our businesses and our residents. We envisage that such an arrangement would formalise and possibly extend many of the existing informal partnerships in operation within the Shoreditch area, enhancing joint working and improving capacity to respond to the impacts of the NTE<sup>2</sup>.

We feel maximum benefit could be achieved through the introduction of such a partnership framework that spanned more than our borough (in the Shoreditch area) and fostered neighbouring borough co-operation, for example, including Tower Hamlets, the Corporation of London and Islington as well as Hackney and extending to their partner agencies. For example, providing a forum for LBH to speak to police from Islington and the City of London.

The establishment of such a scheme could for example result in enhanced sharing of information, learning from best practice and the analysis of trends and responses from neighbouring boroughs and might best be taken forward under the Town Centre Management structures now in place within LBH. For example working with our neighbours on joint enforcement activities, co-

ordinated police activities, reduced fly posting, cross border commuting to licensed premises, or the broader cumulative impact.

2 see references appended below

**( E )** We are aware that Hackney has run one Best Bar None scheme and will shortly embark upon another. We understand that the scheme aims to, in short, promote excellent management/operation of licensed premises through best practice, encourage responsible drinking, encourage liaison between licensees, enforcement agencies and the licensing service and create a safe and pleasant environment for patrons, visitors, staff and local residents – promoting the licensing objectives. We have heard a number of positive comments about the influence and potential of the local scheme. We also became aware that Westminster saw no merit in its operation whereas Islington ran a continuous scheme.

We would welcome the borough considering the extension of the scheme along the lines of that operated in Islington which we believe offers more incentives for excellent management and operation. We understand that significant promotion is attributed to both those that are awarded under the scheme but also to those that lose their accreditation. During our review we also heard how the views of residents might be sought – the most obvious way of doing this would appear to be through consultation of the scheme criteria.

**( F )** One contributing factor to the cumulative impact of licensed premises in Shoreditch is the means by which people travel in and out of the area. We have been advised on a number of occasions about the lack of a taxi rank in the area and the associated problems of mini-cab operations and illegal cabs. Therefore we encourage consideration of what may be done to result in the creation of a taxi rank in an appropriate zone and away from residential areas

**( G )** We have not had time to adequately consider all issues associated with off-licenses and their effect on the night time economy within the SPA but also their potential contribution to the cumulative impact within and surrounding the SPA. We encourage the borough to satisfy itself that the effects of such premises are appropriate and known and that their impact upon the borough and the SPA is managed.

**Box 5.3: Checklist of typical borough teams who may need to be involved in managing the night time economy**

- Alcohol and entertainment licensing
- Planning
- Development/building control
- Environmental health (noise and food safety)
- Town centre management
- Transport planning
- Street engineering (paving, lighting, design, urban realm)
- Parking management
- Refuse collection
- Street cleansing
- Public conveniences
- Community safety/crime and disorder reduction partnership (CDRP)
- Drug and Alcohol Action Teams
- Local Alcohol Strategy Co-ordinators
- Regeneration/economic development
- Tourism/the visitor economy/marketing
- Arts/culture
- Rough sleepers unit
- CCTV
- Trading standards
- Street wardens.

**Box 5.4: Checklist of potential external partners**

- Local police including Safer Neighbourhood Teams
- Fire authority (fire safety certification and inspection)
- Licensed trade including representatives from the trade and licensees
- Other local businesses and any major employers in the town centre
- Land owners
- Local residents and civic organisations
- Transport for London (TFL buses, Public Carriage Office, Safer Travel at Night)
- Users of the night time economy
- Primary Care Trusts and local Accident and Emergency departments
- Ambulance services

## LBH Licensing Policy - Appendix H

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### Consultation

1. The Council recognises the important role that residents, responsible authorities, the licensed trade and other stakeholders have to play in influencing this Policy.
2. The Act states that the consultation on the draft revised Policy is to be conducted with the following:
  - 1 The Chief Officer of Police for the Borough;
  - 2 The London Fire and Emergency Planning Authority (LFEPA);
  - 3 Representatives of other relevant Services such as Pollution, Environmental Health and Social Services
  - 4 Holders of premises licences
  - 5 Holders of club premises certificates
  - 6 Residents / representatives of residents' groups, businesses, local Pub Watch groups, and the voluntary sector.
3. In addition, the Council will seek to consult with the following:
  - Safer Cleaner partnership board
  - Hackney Licensing Partnership Forum
  - Neighbourhood Committee Forums
  - Council/Partner/Responsible authorities:
    - The Licensing Authority
    - Markets Services
    - Trading Standards
    - Planning Authority
    - Environmental Health (Pollution and Environmental Enforcement)
    - Environmental Health (Health and Safety)
    - Drug Action Team
    - Safer Communities Services
    - Primary Care Trust
    - Waste Services
  - Community organisations, voluntary organisations
  - Neighbouring Authorities: Newham, Corporation of London, Tower Hamlets, Walthamstow, Haringey and Islington
  - Local Pub Watch Groups
  - Health Authority
  - Magistrates Court – Thames and Highbury and Islington
  - HM revenue and customs
  - Transport for London
  - Security Industry Authority
  - London Mayor/ Greater London Authority

**Lead Councillor:**            **Cllr Eric Ollerenshaw**

Scrutiny Officer:            Ben Vinter, ☎ 020-8356 3441  
                                         Judith Boyce, ☎ 020-8356 3341

Agreed by the Living in Hackney Scrutiny Commission

November 2007

## 8 CONTRIBUTORS

The following gave evidence at meetings of the Commission. Others present, both officers and members of the public, made informal contributions.

The Commission is grateful to all those who took part. Errors and omissions are the responsibility of the Commission.

14 June 2007	LBH Licensing team
19 <sup>th</sup> June 2007	Informal meeting with Licensees
12 July 2007	LBH Licensing team LBH Enforcement LBH Appointed Consultants – Noise and Night Time Economy Hackney Police London Fire Brigade
11 September 2007	LBH Licensing team Hackney police Hackney residents

## 9. CONTRIBUTING MEMBERS OF THE SCRUTINY COMMISSION

### 9.1. Elected Members

Councillor Eric Ollerenshaw, Chair  
Councillor Clayeon McKenzie, Vice Chair  
Councillor Daniel Kemp  
Councillor Phillip Glanville  
Councillor Darren Parker  
Councillor Gulay Icoz  
Councillor Christopher McShane

Scrutiny Officer - Ben Vinter  
Judith Boyce  
Sarah Harrison

## Background papers

The following documents have been relied on in the preparation of this report and were either presented to the Scrutiny Commission or referred to during the meetings.

- LBH Statement of Licensing Policy 2005
- Draft Consultation Strategy for the Licensing Policy Review 2007
- LBH Commissioned Night Time Economy Study 2007
- Ambient Noise Survey 2007
- LBH Best Bar None application booklet
- Hackney Night Time Economy Evidence Based Study – Shoreditch Report 2004
- [www.hackney.gov.uk/parking](http://www.hackney.gov.uk/parking)
- Mayor of London – Best Practice Guidance – Managing the Night-time Economy
- Haggerston Ward Business Case (Hackney Police)
- Mayor of London – London Plan
- Regeneration and Social Inclusion Scrutiny Commission – Public Realm Report