

Licensing Act 2003: Licensing Policy Review – Consultation Responses and Analysis

Following the 12 week consultation undertaken by Hackney Council between August and October on its Licensing Policy, the following table gives a summary of the written representations which were received along with the consideration the Council gave to those comments.

Name of individual/ Organisation	Summary of responses received	Consideration given/ Action taken. Policy paragraph references relate to the policy as consulted upon.
Robert Francis (Member of the Public)	Problems in crime and children under age sales. Shoreditch is getting better- everything is looking good. The Council is doing a good job clearing up. Supports the retention of SPA. Has not noticed a difference as a result of the smoking ban.	Comments noted. No amendments to the draft revised Policy (the Policy).
Jason Daycker (trade)	The policy in general seems fair for all parties. It is simply the special policy that can be unfair, particularly when there are no issues for the public or responsible authorities.	Comments noted. Paragraph 13.29 of the Guidance sets out the impact of adopting a special policy and the scope of its application by the Licensing Authority.
Roman Ruiz – Diaz (Member of the Public)	There should be a condition on the licence regarding loading and unloading times. There should be more CCTV installed.	Comments noted. LP5 (ii) deals adequately with CCTV principles. LP7 (vii) of the Policy deals with trade waste and commercial recycling arrangements. Paragraph 14.20 of the Policy sets out that collections should not be made at antisocial hours where it is likely to disturb residents and should not take place between 11pm – 7am.
Clara Ranthe (Member of the Public)	Cans of beer often left around bus stops and quite noisy around clubs and bars. Groups of people are walking around very drunk and can be intimidating at times. Most people are drunk and even carry their alcoholic beverages on the bus during the journey. Does not feel safe at these times and finds this unacceptable. Has not read the policy. There is no reason to be rude on the street - this is disturbing other people who are trying to have a decent life style.	Comments noted. Behaviour of patrons/customers away from the premises is adequately addressed in LPs. Consumption of alcohol is outside the scope of the Policy in this regard and is not a licensable activity. Appendix G pool of condition sets out at condition 5 measures to ensure alcohol is not sold in open containers to be taken from the premises nor consumed directly outside the premises.

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Charles Okwalinga (trade)	Comments concerning general waste management/ enforcement and parking	Policy provisions deal adequately with waste disposal under LP7. No amendments proposed.
Nigel White (Member of the Public)	Closing of Hackney Central licensed premises is unacceptable	Comments noted. No changes proposed to the Policy.
Tina Phillips (trade)	Crime is not really related to the licensing industry. Noise is not a major issue due to the good work of licensees. The smoking ban has affected the pub industry, attributing to noise and litter.	Comments noted. No changes proposed to the Policy.
Charles Shillingform (Member of the Public)	Respect of young people has declined due to the sale of inexpensive alcohol which should be restricted beyond 12 midnight.	Comments noted. LP12 sets out that in residential areas the Council will not normally grant licences beyond 12 midnight unless the applicant can demonstrate that operating hours beyond this will not cause undue disturbance to local residents. LP5 (vi) sets out measures to be implemented to promote sensible drinking for example happy hours. Changes have been made to the policy in light of the comments made
Yewande Odukoya (Member of the Public)	Believes that crime has reduced which has been assisted by the alcohol hour restrictions placed on clubs. Believes that clubs and restaurants should stop selling alcohol beyond 12 midnight to reduce public nuisance and dangerous driving. More CCTV provision required.	Comments noted. LP5 (vii) addresses the measures of CCTV in licensed premises. Section 18 (2) and (3) of the Licensing Act 2003 (LA03) set out the scope of applying conditions (including operating hours). LP12 sets out that in residential areas the Council will not normally grant licences beyond 12 midnight unless the applicant can demonstrate that operating hours beyond this will not cause undue disturbance to local residents.

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Tony Ben (Member of the Public)	Obstruction of the footway where premises are located. Following the 24 hour drinking laws, expected more people vomiting and urinating but this has not been the case as Hackney does not have many places with a late licence. Noticed young people drinking due to the inexpensive cost of alcohol.	Comments noted. LP8 addresses the protection of children from harm objective. No changes suggested to the Policy.
Anne OConner (Member of the Public)	Supports the SPA. Premises should be targeted in non – residential areas and situate premises with a planned approach. The smoking ban has caused nuisance.	Comments noted. Section 18 (4) LA03 sets out the decision making function of the Licensing Authority. Section No changes suggested to the Policy.
Bibi Powell (Member of the Public)	Hackney is up and running. Ocean doesn't have a problem. There is a need for more activities for young people, taking them of the streets.	Comments noted. No changes proposed to the Policy.
Kristina Sackett (Member of the Public)	Shoreditch is very busy- there are too many places there. Trying to get home at night is difficult. SPA is reasonable.	Comments noted. No changes proposed to the Policy.
Mr Patel (trade)	Feels crime and disorder has reduced in the area but youngsters and street drinkers are an issue for off-licence holders, especially when trying to move them on. Strength of beer should be a licence condition and not at the discretion of shop owners.	Comments noted. Amendment to the Policy made around considerations on the strength of alcohol sold.
D C Overton (Member of the Public)	The closure of Chimes night club and the Palace Pavilion has made a slight difference to that area. A zero tolerance should be shown to such premises and to drinking in the street which prompts aggressive begging in places.	Comments noted. No changes suggested to the Policy.
Ari Perelman (Member of the Public)	People are witnessed drinking alcohol outside residential premises, making noise and urinating in public. The drinking outside isn't really for the licensed premises to deal with as they have no control over what customers do - it should be for the Council & Police to deal with via patrol systems.	Comments and issues noted. Members of the public should contact the Environmental Enforcement Pollution Team and the Police where there are issues with individual premises or areas so that police and council can investigate and take enforcement action if necessary. No changes proposed to the Policy.

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Maryellen Coyte (Member of the Public)	Specific off licensed premises allowing patrons to sit outside and drink alcohol leading to customers urinating outside residential premises and littering.	Comments and issues noted. Members of the public should contact Environmental Enforcement (Pollution team) and Police where there are issues with individual premises or areas so that Police and Council can investigate and take enforcement action if necessary. No changes suggested to the Policy.
Ghofar Wraich (trade)	It is helpful to put measures to reduce and stop crime. Staff in Licensing have been very helpful and approachable.	Comments noted. No changes suggested to the Policy.
Suleyman Unal (trade)	No changes- no issue with noise or crime. No real concerns with the policy regarding page 49 of the policy.	Comments noted. No changes proposed to the Policy.
Wale Ade Niji (Member of the Public)	Fairly quiet experience. Agree with the SPA policy. Smoking ban has been positive. Drinking age should be increased and the borough needs extra CCTV and doormen.	Comments noted. No changes proposed to the Policy.
David Daniel – Punch Taverns (trade)	No comments to make.	Comments noted. No changes proposed to the Policy.
Caroline Gregory (Member of the Public)	Smoking ban has meant more patrons are drinking outside resulting in obstruction on the footway and nuisance. Licensees must take more responsibility for customer's behaviour.	Comments noted. No changes proposed to the Policy.
Lala Isla (Member of the Public)	It is very important to retain the SPA. Would like for a second SPA between Cross Ways and Balls Pond Road. A safe area would encourage a sustainable economic development. Specific premises do not take any steps to prevent crime and disorder as the area suffers from noise and disturbance until 5:30 am with patrons drinking on the street.	Comments noted. Paragraph 13.28 of the Guidance sets out the steps to a special policy area. This is based on evidence and the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Currently there is insufficient evidence

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		to suggest that a Cumulative Impact policy would be appropriate in the area mentioned. This will be monitored.
Jason Danciter (trade)	Welcome the latest draft as it appears to be in favour of all parties. However, have concerns about the "blanket ban" because if there are no objections, no additional licences will be considered which is unfair and on rather thin legal grounds. Hope the "blanket ban" will no longer be in force and each premises will be judged fairly on their own merits. Have no issues with the responsible authorities. Existing licence permits alcohol until 11pm whereas peers have 3-4 hours beyond this. Have been told nothing will be considered during the blanket ban.	Comments noted. The application of the Special Policy is clearly set out at paragraph 20.41 - 20. 47 of the Policy and demonstrates that this is not a blanket ban. Paragraph 20.47 sets out examples of how the rebuttable presumption under the Policy can be applied.
Yuksel Ince (trade)	24 hour off licences should be granted on the high street where it is safer for employees and customers. Blanket hours will allow the police to monitor the premises easily. The Policy is working well but requires future improvement.	Comments noted. Paragraph 12.4 - 12.6 of the Policy address the decision making functions of the Licensing Authority.
Sheryl Penrose (Member of the Public)	Given the social demography, there are far too many places selling alcohol in an extremely deprived borough. A cap on the amount of alcohol establishments is required. Has witnessed the devastation to families due to alcohol.	Comments noted. There can be no blanket bans on alcohol premises. Where representations are made, each case must be taken on its merits and with regard to the promotion of the licensing objectives.
Stuart Maxwell (Member of the Public)	Best Bar None references in the Policy need qualification as this scheme is not applicable to all licensees. Reference to Hackney Licensing Partnership Forum key stakeholders should include representatives of the trade and neighbourhood committees.	Comments noted. Changes have been made to the policy in light of the comments made. Suggested amendments to the Policy incorporated around the encouragement of Best Bar None where it is applied in the Borough and reference to the Licensing Partnership Forum to include reference to key stakeholders of representatives of the licensed trade and residents.

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Rakesh Mohindra (Member of the Public)	SPA retention is good. Would welcome greater diversity of premises in Shoreditch. There is an imbalance of night time and day time economies, with more night time economy focused in the area. There are many issues around litter, noise, graffiti and residents' security. Licensed venues are responsible for the negative characteristics of the area.	Comments noted. LP1 addresses the relationship of licensing and planning regimes. LP7 addresses the public nuisance objective. No changes proposed to the Policy.
Lynda Green (Member of the Public)	The new laws have sent the message that binge drinking is acceptable. There is a general acceptance among young people that violence and drinking are linked.	Comments noted. LP5 addresses the prevention of crime and disorder objective. LP8 addresses the protection of children from harm objective.
Patrick Stuart Dalston Youth Project (Member of the Public)	Concerns regarding nightclub premises where violence regularly occurs. Licensing is responsible for the character of the area. Concerns about specific premises.	Comments noted. The powers of review to be initiated by responsible authorities and interested parties under section 51 LA03 came into effect in January 2005. The Licensing Authority will consider an application pursuant to section 51 LA03 and does not have authority to initiate a review in its own right.
Marva Cummins (Member of the Public)	Concerns about heavy drinking, noise and offensive youths. Licensees are to be held responsible for the behaviour of customers. Approves of the SPA, restrictions on licensing and need for punishment for breaches of condition.	Comments noted. No suggested changes to the policy.
Paul Callagman (Member of the Public)	User of the Shoreditch night time economy. Bars and pubs close a bit too early. Hoxton Square closes at unusual times encouraging people to climb over fences to gain entry. Supports the SPA which does not have an adverse effect on businesses. More smoking areas need to be created to prevent congestion on pavements and public areas. Has seen a considerable decrease in drug use and drug related crimes, however an increase in youths on the street not being positively occupied.	Comments noted. No changes proposed to the Policy.
Tacim Kaygiciz (trade)	Thinks the application process is fair. Generally does not have problems with underage sale, crime and disorder. Concerns around people drinking outside the premises.	Comments noted. No changes proposed to the Policy.

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Mr Mehmet (trade)	Would like to see more policing and CCTV use in Hackney given the fear of crime. There are enough pubs in Hackney - no need for more. Parking is an issue.	Comments noted. No changes proposed to the Policy.
Alex Bruce (Member of the Public)	Concerns with specific premises on Kingsland Road with noise issues. Considers there are few issues in Shoreditch.	Issues noted. Members of the public should contact Environmental Enforcement (Pollution team) and Police where there are nuisance issues with individual premises or areas so that Police and Council can investigate and take enforcement action if necessary. No changes proposed to the Policy.
Kemal Demirci (trade)	Unhappy with the licence application fee. Alcohol related crime takes place outside premises caused by the operation of 24 hour off licences. Customers are known to start fighting on the street after drinking alcohol. The area has not been managed well. There are too many of the same premises on the same street. Unhappy with 24hr licensing. The Policy does not encourage development. The smoking ban has had no impact on businesses. The Council can do more to manage crime and disorder.	Licence Fees set by statute with no Council discretion. Comments noted. No changes proposed to the Policy.
Christine Sheppard (Member of the Public)	Does not support 24hr drinking. Believes that alcohol affects domestic violence and mental health and that the Council should do more to restrict the sale of alcohol to all young people and adults.	Comments noted. No changes proposed to the Policy.
S Amin (trade)	Has reported a number of unlicensed venues in the area and does not support 24hr licensing as this leads to violence and anti social behaviour. Nuisances are also an issue. Does not allow people to drink outside the premises. Concerns around the use of CCTV and trade waste collections. Supports the SPA policy.	Issues noted. Licensing Enforcement Team will consider the issues and take enforcement action if necessary. No suggested changes to the Policy.
Lot Pham (trade)	Pick pockets operate in the area requiring more CCTV or security patrols to tackle these concerns. Is happy with the application process and licensing staff. Supports the SPA proposals. Identifies the problem that more people are buying cheaper alcohol from off licences and drinking outside. Considers the	Comments noted. No suggested changes to the Policy.

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	Council is doing a good job promoting business, however parking is an issue for businesses and customers as it is difficult to find a space.	
Patricia Lahold (trade)	Government regulation has meant that businesses are losing money as patrons remain at home to drink and smoke. Has CCTV to identify movements. The application process is considered fair.	Comments noted. No changes proposed to the Policy.
Priscilla Alinia (trade)	Generally happy with the licensing regime in Hackney - Police are working with residents and traders. The Council has a balanced view and reasonable approach. Given the revocation of the Palace Pavilion licence, the area is quiet. Still have a few drug related issues from visitors to the Borough. Has found that although customers want to stay on the premises longer, this has to be balanced with the impacts of their behaviour particularly beyond the perimeter of the premises.	Comments noted. No changes proposed to the Policy.
Mr Ali (trade)	Unhappy with the licensing process given LP1 (planning permission).	Comments noted. LP1 addresses the relationship of planning and licensing laws.
Sami Simseik (trade)	No off licence related issues. The licensing policy is good for businesses. Since the implementation of the smoking ban, the premises provide receptacles for cigarette litter.	Comments noted. No suggested changes to the Policy.
Halit Durmaz (trade)	No noise or litter issues to report.	Comments noted. No suggested changes to the Policy.
Thanh Huv Nguyen (trade)	Following the implementation of the licensing regime, there are no issues to report though does not support the retention of the SPA. The Council has helped with the application process and to therefore promote business opportunity.	Comments noted. No changes proposed to the Policy.
Farid Ahmadov (trade)	Council treatment of the licence holder and the licensing regime has been perfect though more consideration should be given to noise complaints, particularly where the noise emanates from a source which can not be clearly linked to the premises for example another bar is nearby or noise emanates from nearby bus stops. Parking is a problem specifically the parking on double yellow lines by illegal mini cab operators.	Comments noted. No changes proposed to the Policy.

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Sheila Benjamin (trade)	<p>Concern that the SPA does not deal with issues that are outside the direct control of licensees such as litter, public urination, graffiti and theft (e.g. Rivington Place – and other narrow/dark streets - are well-known areas for dumping stolen bags, wallets, etc, but there is no evidence of any improvement).</p> <p>Concerns also relate to the following:</p> <ul style="list-style-type: none"> • Cumulative impact is important, but there is a need to consider individual premises and the type of activity. • Paragraph 7.4 of the Policy discusses a ‘consistent and fair’ approach to regulation – these are not necessarily the same thing • Questions what the ‘positive strategies to encourage a variety of high quality entertainment venues in Hackney’ are. • Paragraph 8.21/8.22 – there are other venues apart from the Council’s own which could contribute to this objective. • Paragraph 10.5 makes clear that the licensing regime is not the primary measure for control of nuisance/anti-social behaviour. Therefore, it is important that licensed premises are not unfairly treated in this respect. • Paragraph 12.6 and LP13 are inconsistent raising the question as to what would be considered a ‘relevant’ representation in the SPA. • Paragraph 14.12 is a ‘catch-all’ for live performance; it is obviously aimed at specific types of event and is inappropriate for many types of performance. Live performance/music in itself is not a risk; Shoreditch Town Hall (STH) have had a number of people organising charity, community or corporate events (using TENS) querying the need to complete a form provided by the Clubs & Vice Unit. This needs careful thought and sensitive implementation to prevent crime and disorder without discouraging people (and especially young people) from becoming involved in cultural activity. • The 2 months TENS notice is desirable but not practical. A more detailed Hackney form should be created to negate the need for a CIMOS/risk assessment. The intended ‘light-touch’ TEN system currently adds to the administrative burden for small organisations, 	<p>Comments noted. Paragraph 3.20 - 3.23 of the Guidance sets out some of the factors related to whether music is incidental or not. The Policy states that the exemption of incidental music will "generally not apply" to DJs. This will be considered on a case by case basis. Paragraph 3.16-3.19 of the Guidance sets out the principles of private events which has been reflected in the drafting of the Policy.</p> <p>The meaning of a relevant representation is set out at section 18 (6) and (7) LA03.</p>

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	<p>charities and individuals with little experience of organising events</p> <ul style="list-style-type: none"> • On page 64, the additional exclusion of DJs from the incidental music exemption is an unnecessary blanket condition. Events such as gallery/exhibition openings, business networking events, etc. often have low-level ambient music provided by a DJ – this implies that it's acceptable if the background music is provided by a 10 piece orchestra or an iPod, but not by someone with record decks. • Under the Policy of the SPA, the STH may not be granted a later licence: Before the Act STH had a 1am licence- now it is an 11pm Mon-Thu and 12 midnight Sat-Fri. The SPA guidelines are contradictory as it states it is encouraging activity but where there are representations, the Council is to refuse the application. • Cultural venues should be treated differently to pubs and clubs. • Private events paragraphs are considered incorrect. • SPA is properly placed and litter is cleared up on the public highway. Noise is predominantly from traffic congestion. There are still new premises such as art galleries, which are being introduced to the area. The Council is still feeling its way around the Act and it is difficult to keep everyone happy. There are areas that could be improved but generally happy with the SPA. 	
Adebayo Alaba (trade)	<p>Town Centre champion must interact more with licensees. Entertainment Management Zone as a policy should be implemented as it promotes / rewards good practice. SPA retention is inevitable but variations must be granted in greater numbers. The Shoreditch 'brand' has lost its appeal to adjoining areas/boroughs. The Council's communication policy with licensees requires examination: Enforcement visits are overly aggressive. Concerns about how too few residents have been given too greater power/platform. There are more pressing social issues that should be tackled by the Council. Shoreditch has absorbed potentially a disproportionate level of finance and resources for a borough with real social problems.</p>	<p>Comments noted. No changes proposed to the Policy. Section 18 LA03 sets out how licence applications should be determined by the Authority.</p>
Jaime Ritchie (resident and	<p>The following comments are noted:</p> <ul style="list-style-type: none"> • Shoreditch must retain the same vibrant nightlife which first attracted 	<p>Comments noted. Paragraph 20.42 states that the presumption mentioned will apply</p>

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trader)	<p>residents and business to the area. Whilst T Bar is not located in the SPA the affects of its introduction does impact upon the business and as a member of Hackney Pubwatch, the frustrations of affected businesses are witnessed.</p> <ul style="list-style-type: none"> • Have the crimes figures in the area have dropped because of the SPA? It is suggested this is because of an active Police Licensing Department introducing CIMOS assessments to improve operational standards and a pro-active Pubwatch group allowing bars to share operational advice and local concerns. • Shoreditch night time economy as an attraction is a burgeoning and varied night time economy that continues to grow and offer visitors what they want. If existing bars continue to have their trading hours reduced or new bar licenses declined, Shoreditch will gradually be superseded by a new area • There are many services Shoreditch fails to provide that would suggest it is only a night time destination. There is no major supermarket, barely any cash points (other than chargeable private ones), no banks, barely any parking, no real park areas. The bars that built Shoreditch only genuinely service this area. • Paragraph 20.41 states that it should be presumed the Council will refuse all new licences or variations to existing ones. That is not a statement that instils confidence that the Council is willing or keen to reach a compromise outside of the somewhat draconian nature of the policy. • It is essential that some provision is made beyond 2/3am which seems to be the latest licensees are allowed to trade and that most operate between 1 and 2am. It makes sense in controlling the traffic of people through the area that closing times are staggered to allow for a gentle flow of those leaving the area through the early hours of the morning rather than all leaving at the same time. • The Council is asked to revise the SPA to ensure that it looks at each venue individually and on its own merits and that the very essence of Shoreditch's attraction is considered something to protect and expand, particularly as an infrastructure to support the bars in the area is 	<p>only where relevant representations are made by one or more of the responsible authorities or interested parties. If no representation is made, the Council will grant the application in accordance with the Act. Paragraph 20.43 states that the presumptions are not absolute. The Council will consider each application on its own merits and on a case by case basis. Premises licences and club premises certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted.</p>

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	<p>immeasurably more present than ever before and given the unanimous enthusiasm across the bars to co-operate with the Council and the Police in the best interests of the area.</p> <ul style="list-style-type: none"> The policy needs to reflect the interests of both the SPA and the businesses trying to survive within it. 	
Noel Faulkner (trade)	<p>Comments of a proprietor of a bar in the SPA employing 28 people over 17 years include:</p> <ul style="list-style-type: none"> Credit must be given to the businesses that made Shoreditch an attraction and contributed to the economy. The SPA has put a strangle on business as rent, rates, staff costs and purchases have increased but the Council will not allow an increase on the hours of operation. Quite a few venues have either closed down or changed hands inside of the SPA. Business is not what it was 4 years ago due to the fact that bars in Brick Lane are allowed to operate till 5am or 6am. It is a gross injustice and an infringement of rights not to be able to make an honest living. Not being able to remain operational until 4am/5am during the weekends will result in bankruptcy over 12 months. 	<p>Comments noted. Under section 16 LA03, a person who carries on business, which involves the use of the premises for licensable activities, may apply for a premises licence, or under section 34, a premises licence holder may apply to vary a premises licence. LP13, paragraph 20.41 - 20.43 must be considered when determining applications in the SPA.</p>
Oliver Bulleid and Tessa Cox (Member of public)	<p>Comments of those living and working in Shoreditch with two children include the following:</p> <ul style="list-style-type: none"> Support the principle of enjoying the night time economy provided local amenity is not compromised. The Council has a duty to monitor and protect the amenity of businesses and residents affected by the consequences of allowing premises to open late into the night. Support the proposed retention of the Special Policy Area in Shoreditch, as it is essential to manage the impact of so many licensed premises in the area. Support any Town Centre Management initiative that will improve the environment of Shoreditch. 	<p>Comments noted. The Licensing Authority is not a responsible authority under section 13(4) LA03 and can not make representations under section 18(3) LA03 and section 35 LA03. Hearings procedures are set out and prescribed in the Act's hearing regulations.</p>

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	<ul style="list-style-type: none"> • Day time businesses are moving out of the area due to the squalid state of street cleaning and increases in crime hampering sustainability, inclusivity and creation of a mixed use community. • Support any initiative that redresses the balance between the day and the night time economy. • Local residents should be informed of licence applications in writing, much the same as the planning system. • The system of lodging representations into the public domain should be altered to protect the anonymity of objectors if requested. • The authority should present representations at the licensing hearing to avoid the potential for what some licensees take to be antagonistic comments or given that attendance is difficult to fulfil. • Encourages the Council to identify both the benefits and the problems caused by the number of licensed premises in Shoreditch. • More enforcement is required to ensure that premises are working within the licensing requirements. • Living and working in lively Shoreditch is enjoyable and the desire is to contribute to its development in a positive way. However, there is no enjoyment from being woken through the night by screaming, fighting drunks, having to avoid urine, vomit and broken glass on the pavement. These problems are caused by the excesses of the late night 'economy' and if they occurred in any other business they would be not be tolerated. The licensing system should do much more to protect the amenity of the local community. Shoreditch has the capacity to be a great place to live, work and visit, but it could also degenerate into a cut price stag and hen night drinking destination. The Council has the ability to influence this and to facilitate the development of the area to create a stable mixed use area that all can enjoy peacefully and be proud of. 	
Shoreditch Traders and Licensees Association	<p>Concerns relate to the following:</p> <ul style="list-style-type: none"> • Policy fails to cater for the Hackney “vision” of 2012. • Provisional statement LP3 – treating such applications as premises licences is incorrect. 	Comments noted. Paragraph 20.10 - 20.12 set out the general provisions dealing with Provisional Statements which are similar to application and process for a Premises

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(SLTA)	<ul style="list-style-type: none"> • Requesting a 2 month notice on TENs is excessive – though approval is given to the risk assessment to be provided 14 days in advance of an event. • Smoking - Health measures should not be imposed on public nuisance grounds and these have been drafted in a perceived blanket nature approach. • Smoking policies should be adopted for each licensed premises. • Regarding the SPA, there is a perception that this is a blanket ban on licensees. • The SPA is stagnating the market, disadvantaging licensees as patrons move to neighbouring boroughs and the SPA fringe for entertainment. • In creating fixed hours, this has exacerbated the nuisance issues. • There is a need to apply the SPA flexibly. • The SPA is not good for business – An appendix setting out the business profile affected by the SPA is submitted. • The SLTA encourage development of a management model and recognise that the initiatives that are in place in the area are in the right direction. 	<p>Licence. Evidence base commissioned by the Council demonstrated that the SPA, although may be perceived as a blanket ban, is in fact a policy that has been reasonably applied given the interests of promoting the licensing objectives in relation to both Licensees and Residents. The Special Policy has not been applied absolutely. The provisions of paragraph 20.42 and 20.43 of the Policy set out that the Special Policy is not a blanket ban. Paragraph 13.29 creates the rebuttable presumption when applying the special policy. Paragraph 20.47 sets out examples of how the rebuttable presumption under the Policy can be applied. TENs provisions set out at section 100 LA03 the minimum notice periods. It is accepted that the statutory minimum of ten working days is required. However, the Council encourage a 2 month notice period as a form of good practice to ensure the crime and disorder objective is not undermined. No standard conditions have been applied in relation to the smoking ban. Paragraph 20.2 of the Policy states that the Council does not propose to implement standard conditions on licences across the board but will attach conditions as appropriate given the circumstances of each individual case. The Policy sets out additional text in relation to the smoking ban which seeks to assist stakeholders in promoting the licensing objectives. Changes have been made to the policy in light of the comments made.</p>

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Vicki Pengilley (trade)	<p>Concerns relate to the following:</p> <ul style="list-style-type: none"> • Initial concerns centred on whether venues outside the SPA would be granted later licences and the problems of the SPA dispersed to the periphery which has not materialised as customers are now going to other vibrant areas such as Tower Hamlets, Camden and Islington. • Hackney and Shoreditch need to remain vibrant. It needs to keep the independent operators to keep its diversity and uniqueness. • Hackney needs flexibility on granting late night hours to compete with surrounding boroughs. • The primary objective is to have a safe environment for people to enjoy quality music. • Favours the partnership approach and working with the Police and the other relevant authorities to promote the four licensing objectives, taking into consideration the surrounding residents and businesses. 	<p>Comments noted. Evidence base commissioned by the Council demonstrated that the SPA is a policy that has been reasonably applied given the interests of promoting the licensing objectives in relation to both Licensees and Residents. The Special Policy has not been applied absolutely. The provisions of paragraph 20.42 and 20.43 of the Policy set out that the Special Policy is not a blanket ban. Paragraph 13.29 creates the rebuttable presumption when applying the special policy. Paragraph 20.47 sets out examples of how the rebuttable presumption under the Policy can be applied.</p>
Phillip James Way, Marc Francis-Baum and William Mcbean (trade)	<p>Concerns include the following:</p> <ul style="list-style-type: none"> • As licensees in the SPA, there is a desire to see businesses grow and therefore compete with neighbouring areas. The SPA is very restrictive and has damaged the competitive advantage Shoreditch/Hoxton once had. • More enforcement against rogue operators and flexible hours for responsible licensees is required. • The freeze on licensed premises in parallel with the increase in residential premises is a very strange policy which will result in conflict. • The work done by the Council and the Police has been key to making Shoreditch feel a much safer place. If common ground and a good dialogue can be found between bodies such as the SLTA, the local community and the Council thus altering the SPA, then Shoreditch businesses may recoup the losses that have begun to hit the area as other night-time economies have thrived. 	<p>Comments noted. No changes proposed to the Policy</p>
Martin Klavsen (trade)	<p>Concerns include the following:</p> <ul style="list-style-type: none"> • The area has changed where once illegal raves took place, licensing hours were not complied with and areas were unsafe. 	<p>Comments noted. No changes proposed to the Policy. Paragraph 16.3 states that the Council will be mindful that Hackney is very</p>

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	<ul style="list-style-type: none"> • The soon to come Night Time Economy Police Team will also be a very welcome addition, but these measures should probably have been put in place at the start of the 3 year period that the SPA has been running, together with the Hackney Best Bar None Award Scheme which helps and guides businesses. • Welcomes a visual police presence in the area to ensure customers feel happy and safe. Questions whether the improvements are as a result of the SPA or just better management by the local police. • Mayor Ken Livingstone promoted London's "East Side" as a lively creative area, and London as a "24 hours city" in line with other great capitals around the world. However, it is different for businesses based in Shoreditch; the SPA is on its way to killing business as it is difficult to compete with other restaurant/bar/live music venues on other circuits across London. • Paragraph 20.41 is of concern, although it later states that it is not absolute. • Paragraph 16.2 causes confusion as most venues close around 1 or 2am, causing dispersal problems. • Many regular customers are local residents, moving to Shoreditch because of the night time economy. They complain about the lack of real late night bars (not clubs). • The area should be promoted as a hospitality zone and marketed to visitors and residents in this way considering that the area accommodates the A10 and there is a lack of a day time economy and no quality green open spaces. • The way forward is an open and positive working relationship between the Council and licensees in the SPA. 	<p>densely populated. There are few areas where loud music and a high volume of visitors late at night will not risk disturbance to residents. In addition, paragraph 16.4 of the Policy refers to concentrations of licensed premises, which can increase the risk to the licensing objectives.</p>
Anissa Helou (Member of the Public)	Concerns drafted similarly to response lodged by Oliver Bulleid and Tessa Cox	Comments noted. The Licensing Authority is not a responsible authority under section 13(4) LA03 and can not make representations under section 18(3) LA03 and section 35 LA03. Hearings procedures are set out and prescribed in the Act's

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		hearing regulations.
Shoreditch Resident	<p>Comments include:</p> <ul style="list-style-type: none"> • The SPA must stay in place. However, the situation has not improved, only remained at the same level. • The Council is strongly urged to apply a ban on drinking in public in the Shoreditch triangle including Hoxton Square given the noise, street drinking and smoking. • Include in the policy a map of residential (incl. live/work) properties in the SPA / South Shoreditch. This will help when deciding applications. • "NightVision" by the Civic Trust is also to be considered. • Questions whether the waste collection times can be altered. • Point 16.2 dealing with staggered hours can mean later hours: for residents it could simply mean the noise continues later • If a representation is made against an application inside the SPA, the application should be refused. It doesn't really matter what the quality of the venue is, the area is saturated. The only way should be to replace bad quality venues with good ones, thus not increasing the saturation, on a "one-in-one-out" basis. 	Comments noted. Licensing to provide Hackney Best Bar None Award Scheme. Under section 100 of the Act, only the police can object to a TEN.
Justin Carter (trade)	<p>Comments include:</p> <ul style="list-style-type: none"> • The standing of the Shoreditch /Hoxton area as a destination for a night out has gradually waned, with serious competition emerging from other destination areas, particularly in Brick Lane, Islington and the City. • If the area is to maintain a competitive edge it is essential that the Council take a more flexible approach to licensing. • The almost uniquely iniquitous parking regulations are a significant disincentive to people who might be considering coming to the area for a night out. <p>As a member of the SLTA support is given to ensuring that the Council is supportive of licensees and recognises the major contribution they make to the vitality of the area.</p>	Comments noted. No changes proposed to the Policy.

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Spencer Carroll (trade)	<p>Comments include:</p> <ul style="list-style-type: none"> • Summary of the premises history since its inception in 1998. • Under the old regime, pubs which closed at 11pm would ensure 4 core trade hours at the club, however, under the new regime, almost all pubs and bars have been given at least 12am licences and some later, whereas Herbal was told that no variation on the licence would be considered because of the SPA which has resulted in trade until 1:30am thus giving 1 ½ core hours trade.. As a result the club went into liquidation in May 2007. • New owners have been operating since June 07 and though busy there are not enough prime hours to make herbal viable to match and compete with neighbouring clubs in neighbouring boroughs. • The new owners are now looking at diversifying and may be turning the club into a table dance venue. • Herbal has been an active member of pub watch and has liaised with the Council, however all proposals have been rejected with out consideration because the premises is in the SPA. • It is time Hackney noted that the area has become the area it has because of the venues there, not because of the Council. The positive steps that are happening in Shoreditch such as lower crime figures etc are as a result of more funding and resources being given to the Police and would have had the same effect with or without the SPA. The most important attribute that could be given to venues in Shoreditch is to be able to compete with neighbouring venue in neighbouring boroughs on an equal footing. 	<p>Comments noted. Evidence base commissioned by the Council demonstrated that the SPA, although may be perceived as a blanket ban, is in fact a policy that has been reasonably applied given the interests of promoting the licensing objectives in relation to both Licensees and Residents. The Special Policy has not been applied absolutely. The provisions of paragraph 20.42 and 20.43 of the Policy set out that the Special Policy is not a blanket ban. Paragraph 13.29 creates the rebuttable presumption when applying the special policy. Paragraph 20.47 sets out examples of how the rebuttable presumption under the Policy can be applied.</p>
Bayo Alaba (trade)	<p>Comments include:</p> <ul style="list-style-type: none"> • The SPA is like using a sledge hammer to crack a nut. • The policy was hijacked by a wealthy and vociferous few residents. • When there are other issues in Hackney, it is worrying to see endless resources (financial and physical) pour into the implementation of the SPA. • A low-key enforcement programme would have achieved the level of professionalism from the licensed trade and at a much lower cost. 	<p>Comments noted. No proposed changes to the Policy. The provisions of paragraph 20.42 and 20.43 set out that the Special Policy is not a blanket ban. Paragraph 13.29 creates the rebuttable presumption of the special policy.</p>

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	<ul style="list-style-type: none"> • The expectations that Shoreditch & Hoxton licensed premises are to be at the forefront of the Council's recreational offering to the Olympic committee is hard to believe as the actions of enforcement officers and the terminology of correspondence sent to us has consistently been aggressive with the repetitious reminder of licence reviews. • The business employs over 25 (mainly local) staff with initially little or no experience, numeracy/literacy skills and confidence. By employing local staff, businesses give back to the area. • The blanket ban on licence variation has seriously hampered the development of the area. Why does the Council believe Brand Shoreditch /Hoxton will be around in 5yrs time if it is uncompetitive? • The incorporation of an EMZ in consultation with licensees to manage the area better and more cost effectively is supported. Good venues must be rewarded with better trading hours or brand Shoreditch / Hoxton will be missing when the Olympic party starts. There are other town centre in between the Olympic village and Hackney- why will people descend on Shoreditch / Hoxton if the other Olympic areas are actively given better/longer hours to their night-time economy? 	
Paul Daly (trade)	<p>Comments include:</p> <ul style="list-style-type: none"> • The Council have moved from strength to strength and the infrastructure is gradually bedding down and achieving a balance that should lead to development in the area. • The SPA is affecting business and the promotion of the four licensing objectives. The area is famous worldwide as a place where art, fashion, music and nightlife meet in an original setting. It is an area that has been allowed to grow organically leading to the attraction that it is today. The tourists, visitors and Londoners that come here expect to be able to eat and drink and communicate all night long. • People are migrating to other boroughs to enjoy more up to date hours of trading being offered there. This is bad for businesses in Shoreditch and in turn Hackney. The SPA was introduced to licensees as a temporary measure. This freeze-it-if-you-don't-know-what-to-do-with-it solution is killing it. 	Comments noted. No proposed changes to the Policy.

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	<ul style="list-style-type: none"> • Agrees with the embargo against granting any new licenses in the SPA as there are more than enough licensed premises • More enforcement against planning breaches by residents in commercial units and buildings with B1 class use. • Deterred from reinvesting in Hackney • Partnership between licensees, traders, residents and police is needed as all have an equal stake in Hackney's future. 	
Corine Delage and Andrew Mintchin (Member of the Public)	<p>Comments include:</p> <ul style="list-style-type: none"> • Support for SPA retention. • The density of licensed premises in the SPA is increasing in a dense mixed-use area with a strong residential occupation. • The policy does not propose any specific priority action to reduce this noise level to an acceptable level. • Licensed premises in the SPA should have strict (and enforced) regulations. • The SPA should actively discourage flexible hours and late night hours in order to achieve a sustainable community and balanced neighbourhood as stated in the vision statement. • The smoking ban has increased noise nuisance on busy nights as more patrons are outside and premises/pubs doors are left open to create a link between the inside and outside. The noise/music from inside is therefore more audible outside. In the SPA licences should have conditions limiting the terminal usage of the outside area (terrace or pavement). Limitations and regulations which may be considered for other areas should be compulsory in the SPA. • In general, the policy continues to promote licensing objectives except in the SPA, where what may be recommended in other areas, should be compulsory in the SPA. • Compulsory enforcement of limitations as stated above would also alleviate what will be the need for much more extra enforcement resources given the current density of licensed premises. 	<p>Comment noted. Section 18 and Section 35 LA03 set out the principles for decision making relating to premises licence and variation applications. Paragraph 1.15 of the Guidance states that each application must be considered on its own merits and any conditions attached to the licences must be tailored to the individual style and characteristics of the premises and events concerned.</p>

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Mr and Mrs Berger (trade)	No licensing issues to report.	Comments noted.
Domestic Violence and Hate Crime	Greater partnership working together with the Licensing Service via workshops to raise awareness of the new regime, the Licensing Act and the promotion of the four licensing objectives.	Comments noted. Liaison to be arranged.
British Beer and Pub Association (trade)	Representation received after the deadline for comments. A number of comments presented on the draft policy including <ul style="list-style-type: none"> • policy is too lengthy • some statements may mislead the applicant into volunteering conditions in their application • promotion of the Hampton Principles • Some LP considerations are not necessary or proportionate • TENs notice period 	Despite the late submission of comments and the failure to request an extension within the consultation period, the representation has not been treated as formal response, but nevertheless the comments have been considered in its entirety and changes have been made to the policy where appropriate.