

Appendix B – Summary of Consultation Responses

Licensing Policy Schedule of written responses & comments

Who responded?	What were their comments?	What is LBI response
Mr Corkin	<p>I am concerned that Islington's Licensing Committee seems to have adopted a licensing policy that excludes families (technically you exclude only children, but for those of us with children the effect is the same) from all of Islington's pubs (at least those in the Finsbury Park area where we live) after 7 o'clock in the evening; even those with outside spaces.</p> <p>We would like to bring our children up so that they can see that the consumption of alcohol is something that can be done sensibly and in moderation. We cannot provide those role models if you exclude us from occasionally taking them with us to a pub in the early evening after work. In my opinion, this policy gives all the wrong signals to children about the consumption of alcohol and is only likely to perpetuate the troubled relationship young adults seem to have with alcohol.</p>	
Mr Davy	<p>In your recent council newsletter, you asked for feedback on pub licensing. I thought I'd take the opportunity to comment on the effect of the recent smoking ban on the noise outside pubs. I live at ##which is next door to a pub, with which I share a party wall on three floors. Noise from pub customers on the street has always been an issue to some extent, however it has now increased significantly. Noise is constant until closing time, every night of the week. I understand some pubs in the borough ask customers to drink indoors after 10pm, so as to avoid</p>	

	<p>disturbing residents. I am not sure if this applies to all pubs but I feel some pressure should be put on publicans to discourage them from expanding outdoors, especially in residential areas such as ours.</p> <p>This rest of the response relates to a specific premises and is being investigated by our Noise and Licensing Team.</p>	
<p>Tufnell Park Residents Association</p>	<p>I am writing on behalf of the Tufnell Park Road Residents' Group to draw your attention to one aspect of the licensing policy ie. allowing extended opening hours to premises in residential areas. In this area, which is almost entirely residential, with many families and young children, the former Tufnell Park Tavern has become what is effectively a night club called the Tufnells. The Council allowed this venue to stay open very late for three days a week, eg. for the serving of alcohol until 2.00 am on Thursdays to Saturdays with a further hour for drinking up until 3.00 am, and music being allowed until 2.00am on the same days.</p> <p>The effect on the lives of residents who live near the Tufnells has been dramatic.</p> <ul style="list-style-type: none"> • People have been kept awake at night by loud music and noisy customers leaving the club in the early hours, with much shouting and abuse, and often in an unruly drunken state. Residents have had to call the noise patrol on many occasions to complain, and have often been forced to abandon their bedrooms and sleep at the back of the house. 	

	<ul style="list-style-type: none">• There have been frequent violent incidents both inside and outside the premises eg. people being kicked unconscious in the road, a customer being "glasses" at the bar and having to be admitted to hospital. The police have been called on numerous occasions.• There have been several incidents involving theft eg. stolen cars and mobile phones• The club appears to be attracting many young drinkers from outside the area because of the very late hours. Under age drinking has also been a problem, on occasions including young children. <p>The Council is fully aware of the extent of the problems at Tufnells, since the opening hours were slightly reduced at a licence review in May 2007 (they are still in force pending an appeal hearing due in November). Since May, although the club has been shut for much of the time, when it has been open, there have been several incidents involving excessive noise and rowdy behaviour.</p> <p>At the May hearing a total of 45 residents presented a petition in support of the case being made on their behalf to reduce the opening hours of the premises. It should also be noted that when the Tufnell Park Tavern operated as a neighbourhood pub and Jazz venue, there were no problems of the kind listed above.</p>	
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	<p>We would urge the Council to review its policy on licensing to make sure that this kind of situation does not occur again. Islington already has a full complement of late entertainment venues, which are mainly in busy non-residential areas. We believe that it is totally inappropriate to allow any licensed premises to operate as a night club in a predominantly residential area such as Turnell Park. To this end we believe that in such areas no premises should have a licence beyond 11.00 pm on any night of the week, with a restricted drinking up time of 30 minutes only, and a similar restriction on the playing or performing of music.</p>	
<p>Mr Lecan</p>	<p>Thank you for your communique titled "Have your say". We operate an off-licence at the above address and we have to put up with the nocturnal crowd queuing to get into the club (next door). We close early and do not consider it our business to try and take advantage of this captive audience. We only get the disadvantages: puke on the windows, urine and excrements on the walls, just name it, we get it. We have to bleach the front of the store several times each week. Add to this the graffiti!.... The club does not bring any advantage to any one in the area, just ask the other traders....It does not make the area lively, it deadens it.... I hope you will find these comments helpful.</p>	
<p>Councillor J Burgess</p>	<p>To the Licensing Policy Review.</p>	

	<p>Please accept the following submission:</p> <p>I believe that Islington Council's Licensing Policy should be stronger with regard to licensing adult entertainment licences. This is already the case in London boroughs such as Camden. The public rightly have concerns about crime and disorder and public nuisance issues that can arise from the operation of premises where these activities take place. Such activities can provide the opportunity for prostitution, pimping and other offences of a sexual nature. Further, the location and operation of such premises can give rise to public nuisance issues. I would like such applications to take into account</p> <ul style="list-style-type: none"> The proximity of schools The proximity of places of worship The proximity of residential dwellings The proximity of youth clubs The proximity of community centres <p>On the wider issue of all licences, I would like consideration to be given to the number of licences for each function – eg sale of alcohol, betting shops – already issued within a geographical area.</p>	
<p>Mr Sandford Public Health</p>	<p>General The policy should state its relation to the Government's alcohol harm reduction strategy, Safe, Sensible, Social which views the Licensing Act as a key to supporting the strategy.</p>	

	<p>Reducing Crime and Disorder</p> <p>The policy at present does not provide guidance on what behaviours may contribute to an increase in crime and disorder. For example, the draft policy refers to “binge drinking” only in the context of restricted opening hours, but not to other factors such as alcohol “volume” promotions or “vertical drinking establishments”.</p> <p>The policy should clearly state the Council’s concerns in relation to factors that promote and the consequences of:</p> <ul style="list-style-type: none">▪ Underage drinking▪ Drunkenness on premises▪ Public drunkenness▪ Illegal possession and/or use of drugs▪ Violent behaviour▪ Anti-social behaviour <p>The policy should give clearer guidance on its expectations for licensees to include appropriate risk assessments of binge drinking and other forms of alcohol misuse, and guidance on measures to mitigate such risks, e.g. the British Beer and Pub Association’s Guidelines on On-Trade Promotions, as well as intentions on enforcement.</p> <p>Responsible Authorities</p> <p>Paragraph 12 of the draft policy states which organisations are responsible authorities within the scope of the policy. Trading Standards is not included as a responsible authority in the draft policy.</p> <p>The policy should contain a table detailing each responsible authority’s responsibility, similar to Table 3 in the Government’s <i>Safe, Sensible, Social</i> strategy to provide greater clarity for</p>	
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	<p>licensees and interested parties.</p> <p>Operating Schedules</p> <p>The expectations of the Licensing Authority / responsible authorities with regards the operating schedule should be clearly set out in a table or similar. This would provide clear guidance to applicants whilst maintaining individuality for each licence. It would also provide a framework for interested parties to assess any concerns that they may have.</p> <p>The expectations of the Licensing Authority and responsible authorities should be clearly distinct from the pool of model conditions contained within the policy.</p> <p>Terminology</p> <p>Paragraph 24 (Greener, Cleaner, Safer) refers to “working with licensees to minimise the impact of the smoking ban in public places on residents living near licensed premises.” The term “smoking ban” places the legislation in the negative context of restricting people’s choice to smoke rather than a positive context of promoting people’s right to a smoke free environment. The wording in this bullet point should read “working with licensees to minimise the impact of smoke free legislation in enclosed public places on residents living near license premises”.</p>	
<p>London Councils/Met Police</p>	<p>You may be aware that London Councils in conjunction with the Metropolitan Police have put out the attached advisory document regarding the recommendation for risk assessments in relation to live music events. The risk assessment forms referred to in this document were developed by the Metropolitan Police as part of a best practice initiative to tackle problems at large-scale events.</p>	

	<p>However, it has come to our attention that some London Boroughs are interpreting this recommendation as a requirement in their revised Licensing Policy Statements. LACORS strongly advises against the inclusion of any such statement as it would clearly supersede the legal remit of the licensing authority and the requirements of the Act.</p>	
<p>British Beer and Pub Association</p>	<p>Policy 006</p> <p>Para 39 – this is a duplication of existing legislation and therefore applicants should not be expected to include in their operating schedules provision for disabled customers. We absolutely accept that licensees have obligations under this Act but no more so than any other business or citizen. The BBPA has prepared guidance for pub operators on meeting their obligations under the Disability Discrimination Act which is available from our website. www.beerandpub.com</p> <p>Enforcement</p> <p>We would welcome a recognition of the Hampton principles of inspection and enforcement in this section, which include the following:</p> <ul style="list-style-type: none"> • No inspection should take place without a reason • Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection <p>We also comment as follows with regard to the proposed new or amended policy statements:</p>	

	<p>Risk assessment for significant events</p> <p>The Association is very much in favour of the use of risk assessments, but as recommended practice rather than an “expectation”. We believe this proposal would be disproportionate for small scale musical events and may inhibit live performances. All applicants are required to demonstrate in their operating schedule how they propose to meet the licensing objectives and therefore we believe this new requirement to be unnecessary.</p> <p>Use of toughened glass and polycarbonates</p> <p>We note the licensing authority will seek to encourage the use of toughened glassware and polycarbonate where appropriate. We feel it would be helpful if your policy could include a reference to the following approach outlined in the National Alcohol Strategy on alternatives to glass, namely a risk based, per premises approach.</p> <p>“The Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.”</p> <p>The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment which is available on our website at www.beerandpub.com</p> <p>Smoking, drinking and eating outside</p> <p>Where customers are outside the premises because they are smoking, there should not be an automatic assumption that this will lead to unacceptable noise nuisance. If it does, then interested parties and responsible authorities are legitimately entitled to raise the issue as they would for any other cause of</p>	
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	<p>noise nuisance. In the event that customers outside a licensed premises give rise to noise nuisance and representations are made to the licensing authority on these grounds, then the matter can be dealt with via the processes contained in the Licensing Act 2003. Therefore, any conditions on a licence should be evidence based and relate to noise nuisance and not smoking. Smoking itself is not, of course, a licensable activity.</p> <p>Pubwatch</p> <p>As a major supporter of National Pubwatch we are very keen that public houses participate in their local Pubwatches, but we would not wish to see to such participation being a condition of the licence. Pubwatches are voluntary organisations and membership must remain voluntary if they are to be effective. They are also co-operative bodies that must be able to determine their own membership, which would become almost impossible if leaving a Pubwatch would result in a breach of condition.</p>	
<p>Better Archway Forum</p>	<p>What are your views on the proposed changes?</p> <p>The suggestions are helpful in achieving improvements among those obtaining a licence but do not support the rejection of an application if the council and community feel it is inappropriate. BAF believes that in much of the borough saturation of licences has been reached and that to reduce crime and disorder as well as anti-social behaviour it is important to strengthen the licensing committee's ability to reject an application.</p> <p>The reasons for this need are new and UK-wide developments:</p> <ul style="list-style-type: none"> • There has been a 27.3% rise in the number of men admitted to hospital as a result of drink since 2001-2 and 	

	<p>29% in the number of women casualties.</p> <ul style="list-style-type: none"> In 2004 it was estimated by medical experts that alcohol costs Britain £7.3bn a year in crime and public disorder. Inner city boroughs like Islington carry an undue proportion of these costs so it is important to provide the tools to do as much as possible to limit them. <p>BAF would therefore urge that the wider picture must be considered in assessing every application, not just the immediate vicinity or track record of the property and licensee under consideration.</p> <p>Do you think the approach in the 2005-2008 licensing policy is still relevant?</p> <p>Yes but it needs to be extended, including the option to cap or reduce the number of licences in an area.</p> <p>The borough of Islington includes many and complex settings with inner-city living mixes with residential, business, schools and more. This unusual complexity of settings needs to be recognised, defining which are suited to which types of licence, including which are suitable for visitor entertainment and which for servicing local needs. This means that point 73 regarding the location of premises and nature of the area/type of premises and mixture of premises in the area needs to be clarified. The current wording can be interpreted to indicate that an area with a high number of licences is suitable for further licences, or could be read to mean that it is saturated and not suitable for further licences.</p> <p>In this context we also believe that point 77 needs to be reviewed.</p> <p>What other suggestions do you have for the licensing</p>	
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	<p>authority's policy statement to further promote the licensing objectives for</p> <p>a. Ensuring public safety?</p> <ul style="list-style-type: none"> • We believe that given that there are already sufficient licences in the borough for a satisfactory night time economy the onus to prove that the applicant will not cause nuisance should rest with the applicant rather than local residents having to prove otherwise. This is of particular relevance to points 74, 75 and 76. With regard to point 76 it is particularly difficult for local residents to prove saturation when the anti social behaviour results from a number of licences combined. • With regard to point 80, covering adult entertainment, the proximity of residential areas should be considered a factor mitigating against the granting of such licences. • The area to be notified of a licence application should be extended to 100 metres from the premises. • We would urge that the issuing of provisional statements regarding licences – as outlined in licensing policy 26 and points 94, 95 and 96 – should be revoked. These make it very difficult for the community's views on the matter to be heard and are therefore contrary to the Council's stated policy that residents are involved in decisions that affect their lives. • Any local police concerns for example from the Safer Neighbourhoods teams, must be taken into account in 	
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	<p>addition to central police views.</p> <p>We would also urge that the council should not require there to be complaints about a premises in order to reject an application.</p> <p>Do you think the policy strikes the right balance between addressing the needs of residents and neighbours with those of the licensees?</p> <p>No. The requirements of the licensees are already significantly favoured above those of residents and neighbours. Therefore we recommend that any changes redress this in favour of the latter two groups.</p>	
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