

## Appendix 2

### RESPONSE ONE

My comments:

There is some very welcome material in the policy, carried forward from the current document. However in the light of our experience as residents dealing with the Parker McMillan (Islington) and Montcalm/Brewery applications I suggest the following amendments:

A general exhortation to involve residents appears in the code of practice, but the policy should be more specific. Suggest new para-

*33a. The costs falling on all parties can also be materially reduced if the applicant has early and detailed discussions with local residents. The City Corporation will give great weight to any operating conditions agreed between the applicant and local residents. Only in the most exceptional circumstances will the City Corporation redraft or excise conditions agreed between the applicant and local residents.*

The policy should recognise a material distinction between the scope for mitigating noise outdoors and indoors. Suggest new para-

*35a noise generated in outdoor spaces such as courtyards is much more difficult to control and licences for such spaces will not normally be granted for late night/early morning use in very close proximity to residential premises.*

37 et seq are welcome but policy should recognise that this matter may be a reason for refusing or curtailing the hours of a licence. It is important that noise from dispersal can, potentially, be a reason for refusal on the same basis as noise from inside the premises. So suggest new para-

*36a A similar situation can arise in relation to disturbance caused by the dispersal of customers. Licensed premises where large numbers of customers leave at the same time late at night or early in the morning in very close proximity to residential premises may not be appropriate because they will cause a "concentration of disturbance" (see 59 below).*

Some of the wording still tips too far towards assuming that all impacts can be mitigated. There is an important point of balance here. Of course, mitigation is the first resort. However it must be made clearer that if an acceptable level of mitigation is beyond the capacity of the applicant to deliver, the licence will be refused or substantively modified. Suggest addition to para 70-

*It follows that if the City Corporation considers that measures within the control of the applicant are likely to be insufficient to mitigate an unacceptable impact, the licence will be refused or modified to remove the impact.*

When the Montcalm licence was being considered, the papers initially only considered other licensed premises in the City, not across the road in Islington. Suggest addition to para 72-

*On the edges of the City, the "specific area" may include parts of neighbouring boroughs.*

The document needs to say much more about enforceability in light of the Montcalm decision where the City Corporation took the unusual step of striking out conditions proposed by the applicant on the grounds that they could not be enforced. The policy needs to explain in what circumstances the City Corporation is likely to take a different view on enforceability from the operator and why. Can it be assumed that the measures suggested in the Code of Good Practice have already passed the test of enforceability (not in the case of Montcalm)?

## RESPONSE TWO

Dear Peter,

Thank you for consulting us regarding the above two matters. Our comments are as follows:

As a general point there are concerns as to how planning conditions are managed both in terms of resources and within the planning remit. Planning enforcement resources are effectively limited to part of one post. It is important that there are sufficient resources to 'deliver' agreed undertakings such that they do not lead to false expectations or frustrations.

### Licensing Policy

- It would be helpful if the contents page could be numbered which is probably your intention once the document is complete?
- The structure of the document also needs to be clearer by breaking it up into subject sections.
- In your e-mail summarising the changes to the Licensing Policy, you state "Updated references to the Corporation's UDP (paragraphs 3 and 4)". Paragraphs 3 and 4 relate to LDF Core Strategy (Policy CS11 Visitors, Arts and Culture and Policy CS12 Historic Environment) and not the Unitary Development Plan. It would be helpful if this was referenced correctly in the Statement of Licensing Policy.
- A reference to the LDF Core Strategy, Policy CS3 Security & Safety, should be made as this includes policy to proactively manage night-time entertainment to minimise disturbance to residents and workers. As you are aware, we are also developing a Local Plan policy on Night Time Entertainment, which takes into account the Statement of Licensing Policy.
- As we are developing a policy on night-time entertainment in the Local Plan it would be useful to refer to this so developers are clear as to the documentation they need to consult when proposing night-time uses in the City (i.e. Statement of Licensing Policy and Local Plan) This would also strengthen the linkage between the two documents. I note that planning is mentioned in paragraph 85 (i) and 103–106 – this may be an appropriate place to mention this.
- References to the Core Strategy policies in paragraphs 2 and 3 should include the policy references.
- In view of the general concern about people standing outside premises and blocking the highway how do you propose to restrict the number of customers point 65 iii) a)?
- It would be useful to have a summary table of the policies for quick reference.
- Paragraph 78 needs to make it clear that the placement of tables and chairs on private land may constitute a material change of use requiring planning permission. People should also be mindful of conditions attached to existing planning permissions and that a licence does not override any planning requirements.
- Paragraph 85 refers to planning control being used to address issues of customers behaving badly away from licensed premises. Planning has limited control over this.
- Paragraph 106 this paragraph needs to make it clear that if a planning permission exists and a licence is refused the planning permission doesn't override the licence decision and vice versa.
- Page 32 should refer to the Department of the Built Environment and not the Planning Department

### Code of Good Practice for Licensed Premises

- It would be useful to draw to licensees attention that there may be planning requirements to be met.
- Planning should be included in the Useful Contacts list.

## RESPONSE THREE

Introduction, legal background, scope, licensing objectives

Before the main content of the policy, we have provided an overview of the legislative framework of the licensing system, the activities in scope and a summary of the licensing objectives.

Q1: How useful did you find the overview? Is there anything missing or something that needs to be explained better?

**VERY USEFUL NOTHING NEEDS EXPLAINING**

Licensing objectives

In carrying out responsibilities under the Act, the City of London Corporation must have regard to and uphold the four licensing objectives.

Q2: Is there anything further that the City of London Corporation can do to uphold the licensing objectives?

**NO**

Personal licences

Q3: Is the policy on personal licences clear? Is there anything missing or something that needs to be explained better?

**YES NOTHING TO ADD**

Premises licences and club premises certificates (applications and consultation)

Q4: Is the policy on premises licences and club premises certificates clear? Is there anything missing or something that needs to be explained better?

**YES IT IS CLEAR**

Determination of applications and conditions

Q5: Is the policy on determination of applications and the imposition of conditions clear? Is there anything missing or something that needs to be explained better?

**YES IT IS CLEAR**

Location of premises, licensing hours and the prevention of nuisance

Q6: Is the policy on determination of applications and the imposition of conditions clear? Is there anything missing or something that needs to be explained better?

**YES IT IS CLEAR**

Location of premises, impact of activity and cumulative impact

Q7: Is the policy on location of premises, impact of activity and cumulative impact clear? Is there anything missing or something that needs to be explained better?

**65.iv SEEMS A LITTLE CONFUSING. IT RELATES TO CAPACITY AND STATES NOT ALL PREMISES REQUIRES A CAPACITY FIGURE BUT THEN IN THE NEXT PARAGRAPH IT STATES A SAFE CAPACITY FIGURE WILL BE EXPECTED IN THE FOLLOWING CIRCUMSTANCES A) IN PREMISES THAT COULD POTENTIALLY BECOME OVERCROWDED, SURELY THIS CAN BE ANY PREMSIES. CAN A COMMENT ON PREMSIES THAT RUN PROMOTED EVENTS BE INCLUDED?**

Tables and chairs outside premises

Q8: Is the policy on tables and chairs outside premises clear? Is there anything missing or something that needs to be explained better?

**IT IS CLEAR**

Protection of children from harm

Q9: Is the policy on protection of children from harm clear? Is there anything missing or something that needs to be explained better?

**YES IT IS CLEAR**

General feedback

Q10: Do you have any other general comments on the policy?

**WOULD LIKE TO SEE MORE ABOUT SMOKING OUTSIDE PREMISES ESPECIALLY WHERE PREMISES HAVE A NARROW FOOT WAY AND SMOKERS OUTSIDE CAUSE AN OBSTRUCTION OF THE PAVEMENT.**

sorry Peter forgot to add one thing. I don't like the paragraph below as it is not the promoters that have connections but the DJ's.

Therefore it should read something like "City of London Police intelligence indicates that some DJ's who perform at events in the City attract a following from gangs

and/or have a connection to gangs themselves and some DJ's have convictions for violent crimes. There have been a number of incidents where promoted events, attended by members of gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring"

43. City of London Police intelligence indicates that some promoters organising events in the City have connections to gangs or convictions for violent crimes. Also, there have been a number of incidents where promoted events, attended by rival gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring.

There is no intelligence to suggest that any of the crimes have been rival gangs, in fact most have been from the same gang so the above paragraph could be seen as inaccurate.

regards

## RESPONSE FOUR

Dear Peter

OK, now the other one! Again, I read straight through, and did not confuse the issue by comparing to the previous version of the Policy.

### Statement of Licensing Policy

P.2 Should we have contents page in same format for both L and G?

P.5 top line Is 'enables' the best word here?

P.8 para 33 line 5 'and' not 'an' before 'discuss'

P.10 para 39 line 1 can it be stronger term than 'recommends'? even if we make it 'strongly recommends'

P.13 para 51 I know you say, para 49, 'person requests to be kept informed'. But if it's not immediately close by, and yet could impact on street parking, for example, the person may not be advised. Does searching on website constitute 'made aware'? this could involve going into website at pretty frequent intervals on the off chance there may be something there. The time-scale between publication and closing date for objections/representations, is relatively short. Maybe we should aim to be a bit more 'user-friendly'?

P.21 para 92 'will classify films provided adequate notice has been given'.  
So does this mean that if a Film Festival, so called, has an operator who is knowledgeable about the wording here, he could give very short notice, i.e. not adequate notice, and hence the films would be shown, unclassified.? It may sound far-fetched, but that is what this para says!

### Code of Practice Sept/Oct 2012

P.2 Aim of Code final line

I don't think you need 'from' before 'occurring'

P.4 G1(a) final word

Preferred (not preferential) And also same on P.8, CD14(b) final line

P.20 PN6 (a) line 2 insert 'out' after 'carried'

P.21 PN10 (a) to leave the premises quickly and quietly (omit 'and' before 'quickly')

P.22 PN11(b) line 1 'to ensure that any.' (insert 'r')

PN15 line 2 early hours of (not 'on')

P.25 CH6c ?Council? find another word. CofL Corporation is not a borough. Maybe you could get away with simply omitting the word 'Council'.

I don't think we were sent a copy of the draft Code when it went out to consultation this September. Most of the above, again, are items of detail. But even little typos corrected ensure we, between us all, achieve as near a perfect final document as we can

**Response to consultation on draft Statement of Licensing Policy.**

Name, address and contact details given below. This is a resident response. It is clearly stated in the draft policy and its Introduction that

- a. “It is vital that residential amenity is protected “.
- b. “that everyone has the right to respect for his home and private life and every person is entitled to the peaceful enjoyment of his possessions”.
- c. “that the authority will promote the licensing objectives using its full range of powers and engage all relevant responsibilities including planning controls” etc.
- d. “The applicant to demonstrate they have taken appropriate measures to ensure that the premises will be ‘good neighbours’ and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises. In particular the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents”.
- e. “Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23:00 and 07:00”.

We cannot find any reference to the fact that in some parts of the City, it is inappropriate for bars to operate beyond 23:00. There are residential areas with very narrow canyon-like streets where it is impossible for bars, however well managed, to control patrons’ noise and this has resulted in anti-social behaviour affecting residents reasonable expectation of sleep. The only action open to residents has been to regularly call upon the services of the pollution team and police and finally take premises to review. This has resulted in considerable use of public resources as well as residents’ own time and costs.

Under the Licensing Act it may not be possible to identify areas unsuitable for bars to operate beyond 23:00 as a part of licensing policy. Point c. above needs to be tightened and controlled more specifically and vigorously. We believe planning controls are the key and could identify residential or indeed business areas unsuitable for late licensing and therefore impose stricter controls. We would like to see the licensing policy state more clearly the link between planning controls and appropriate residential / business areas. This would also restrict applications for TEN’s in sensitive locations.

On page 12 of the Statement of Licensing Policy it is stated that “It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations”. We welcome the statement that “The local authority will advertise all new applications and applications to vary existing licenses on the City of London web site and email details where a person so requests to be informed”.

We note that the London Borough of Islington (using the same software as the City) and the City of Westminster both publish TEN's on their websites. This assists residents / businesses with information they would not otherwise have. To provide information that a bar has a TEN allowing it to operate into the early hours of the morning may save the Corporation a great deal of time and money in resources, for example; Contact details are given by Westminster for all TEN's so that any disruption caused by such an event gives the complainant the opportunity to try to resolve the matter before having to resort to environmental services or police.

Other information online would also be useful e.g. the proposed ‘traffic light system’ for licensed premises would help patrons make decisions about bars they wish to frequent and this would also provide additional incentive to bars to retain their green light.

Mr Davenport

Thank you for sharing this.

I see that there is no reference to suicide prevention here - despite a spate of well publicised suicides from a licensed establishment. Such suicides fall within the remit of licensing because suicide is firstly (oddly) a crime and secondly the manner of the suicides have been endangering public safety.

As Martin and David know, Matthew and I have concerns that the corporation needs to be more joined up in its approach to suicide prevention in line with the latest government guidelines for local authorities. I would be grateful if you would consider what is the appropriate, light touch approach to this matter within either the licensing policy or the code of good practice.

Best wishes