

Local Plan (As it relates to the Licensing Act 2003)

Policy DM 3.5 Night-time entertainment

1. Proposals for new night-time entertainment and related uses and the extension of existing premises will only be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:

- the amenity of residents and other noise-sensitive uses;
- environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.

2. Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.

3.3.16 Night-time entertainment uses in the City include restaurants and cafes (A3), drinking establishments (A4), hot food takeaways (A5) and other related uses including, for example, a nightclub or a mix of such uses. They form part of the City's wider night-time economy, which includes 24 hour trading with other financial centres around the globe.

3.3.17 The control of night-time entertainment and licensed premises is undertaken through the operation of both planning and licensing regimes. In general, the planning regime controls the location, design and planning use of premises to protect the amenity of an area or local residents, whilst the licensing regime is used, having regard to licensing objectives, to control specific activities at premises to prevent, for example, noise and other public nuisance.

3.3.18 Planning and licensing regimes operate under separate legislative and regulatory frameworks. The City Corporation will ensure that, as far as is possible, a complementary approach is taken between planning and licensing within the legislative framework. The City Corporation publishes a Statement of Licensing Policy, which outlines the approach that it will take when considering applications for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. This is supported by the City Corporation's Code of Good Practice for Licensed Premises. The City Corporation has also published a Noise Strategy which sets the strategic direction for noise policy within the City of London and outlines steps that the City will take, and is already taking, in dealing with noise issues, including those arising from night-time entertainment.

3.3.19 The character of many licensed premises has changed significantly in recent years. Existing and new premises often have longer operating hours, may have larger capacity and may provide live or recorded amplified music. Some of these premises are close to residential accommodation and this can result in complaints about disturbance and nuisance from excessive noise, particularly from people drinking and smoking outside, and arriving or leaving.

3.3.20 All planning applications for A3, A4, A5, and related, uses should include information stating the proposed hours of operation. Where this information is not provided, or hours of operation have not yet been confirmed, the City Corporation will impose conditions requiring the closure of the premises between the hours of 11pm and 7am unless further permission to vary these times is sought and granted. 52

3.3.21 Potential applicants seeking planning permission for a night-time entertainment use, between the hours of 11pm and 7am, are encouraged to engage at the earliest possible stage with the City Corporation as Licensing Authority, the City of London Police, local residents and other neighbouring occupiers that will be affected by the proposal. This will ensure that the local context and local sensitivities are fully understood and can be taken into account when designing premises for night-time entertainment uses and planning the operation of the proposed use to minimise adverse impact on amenity.

3.3.22 Planning applications for new and extended night-time entertainment uses or for variations of planning conditions must be accompanied by a Management Statement that addresses planning amenity issues, sets out how potential impacts on amenity will be addressed through the design of the premises and how they will operate without causing disturbance including:

- hours of closure to protect amenity;
- noise mitigation plans related to both internal and external noise, including measures to reduce sound transfer, such as sound-proofing, noise controls and double entry lobbies;
- arrangements for the storage, handling and disposal of waste;
- a timed programme for deliveries and collections and other servicing arrangements;
- measures to deal with the emission of odours; and
- location of ventilation ducts and plant.

3.3.23 Assessment of the Management Statement will have regard to the City Noise Strategy, the provisions of the City of London Statement of Licensing Policy and to any submitted licence application operating schedule.

3.3.24 To safeguard quiet times and amenity, particularly for residents and other noise-sensitive uses, the City Corporation will attach planning conditions or seek s106 planning obligations to ensure compliance with agreed Management Statements. The City Corporation will normally apply conditions to limit the hours of operation where there is potential for unacceptable disturbance to local residents and others. Each case will be considered in relation to its locality and the need to strike a balance between the benefits to the City of night-time entertainment and the risk of disturbance to local residents, workers and others

Who will deliver		
<p>How we will make it happen Crime, Terrorism & Safety Joint working with prospective developers and the City of London Architectural Liaison Officer to incorporate crime prevention and counter terrorism security into City developments.</p> <p>City of London Police Counter Terrorism Security Advisers (CTSAs) and Emergency Planning officers providing advice and guidance to business and residents on protective security and business continuity, through Project Griffin, Project Argus and other media.</p> <p>Encouraging co-operation in developing crime prevention measures between the City of London Corporation, the City of London Police and the business community.</p> <p>Providing sufficient emergency service resources to cope with large scale emergencies, the projected increase in workers, residents and visitors.</p> <p>Maintaining the Central Criminal Court within the City at the Old Bailey.</p> <p>Requiring design and access statements, delivering improved street lighting strategies, traffic and street management and CCTV networks.</p> <p>Implementing the licensing objectives of the Statement of Licensing Policy (SLP), the Gambling Act Statement of Licensing Principles and the City Corporation's Code of Good Practice for Licensed Premises.</p>	<p>Who City Corporation- Developers- Crime Prevention Association- City of London Police</p> <p>City Corporation- City of London Police Heads of security in major international businesses</p> <p>City of London Police</p> <p>Emergency services</p> <p>City Corporation- HM Court Service</p> <p>City Corporation- Developers</p> <p>City Corporation- City of London Police</p>	<p>When Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>SLP and Gambling Act SLP Adopted 2013</p>

<p>Considering the need for a Noise Supplementary Planning Document to provide further guidance on noise and noise-related impacts.</p>	City Corporation	To be confirmed
<p>Implementing the City of London Late Night Levy on the licensees of premises selling alcohol between 00:00 and 06:00.</p>	City Corporation	From 2014
<p>Managing parking associated with night-time entertainment, to prevent disturbance to residents and to address a potential security risk.</p>	City Corporation	Ongoing
<p>Implementing the recommendations of the Safer City Partnership thematic groups, covering:</p> <ul style="list-style-type: none"> • Night time entertainment • Anti-social behaviour • Counter terrorism • Vulnerable people • Rough sleepers • Domestic abuse • Community cohesion • Vehicle crime • Persistent offenders • Economic crime 	Safer City Partnership	Reviewed annually
<p>Requiring design and access statements incorporating managed access schemes.</p>	City Corporation- Developers- Building occupiers- City of London Police	Ongoing
<p>Implementation of collective security measures, especially in the Traffic and Environmental Zone.</p>	City Corporation	Ongoing
<p>Co-ordinating support in areas of emergency planning and resilience.</p>	Central London Resilience Forum	Ongoing
<p>Environmental enhancement initiatives, including restricted vehicular access gates (to control motor vehicle access whilst maintaining pedestrian and cycle permeability), timed management of service vehicles and local traffic management schemes.</p>	City Corporation	Review of environmental enhancement strategies every 5 years

<p>Transport Safety Ensuring public highways and other spaces are designed and managed to help reduce road casualties amongst pedestrians and vulnerable road users, reduce crime and disorder, and improve transport security.</p>	City Corporation-Safer City Partnership	Ongoing
Implementing the objectives of the City of London Road Danger Reduction Plan 2013.	City Corporation	Ongoing
Partnership working with transport providers and others to maximise public transport safety, encouraging greater staff presence at platforms, stations and on public transport.	City Corporation-TFL- Network Rail-Train operating companies-Port of London Authority- British Transport Police- Neighbouring boroughs	Ongoing
Implementing traffic management measures, including traffic-free and traffic-calmed areas, and taking account of the increase in cycle use.	City Corporation-TFL	Ongoing

RISK MANAGEMENT

3.3.25 The City continues to be at risk from terrorism. The terrorist threat is unpredictable and an attack could have significant consequences for the City. The City Corporation will seek to ensure, through partnership working, that the most effective counter-terrorism measures are maintained within the City and plans are put in place to ensure business continuity. These measures will be kept under continual review to ensure the safety of businesses, residents and visitors.