



L I C E N S I N G C O M M I T T E E

Thursday, 8 December 2022 at 7.00 pm
Hackney Town Hall,
Mare Street, E8 1EA

Live stream link: <https://youtu.be/ufrJjLpUH-Y>

Back up link: <https://youtu.be/z5ajRnz45wY>

Members of the Committee:

Cllr Gilbert Smyth (Chair), Cllr Sophie Conway, Cllr Susan Fajana-Thomas, Cllr Eluzer Goldberg, Cllr Zoë Garbett, Cllr Richard Lufkin (Vice Chair), Cllr Sem Moema, Cllr M Can Ozsen, Cllr Sharon Patrick, Cllr Midnight Ross, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Joe Walker and Cllr Penny Wrout

Mark Carroll
Chief Executive
30 November 2022
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Contact: Natalie Williams
Senior Governance Officer
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Licensing Committee

Thursday, 8 December 2022

Agenda

- 1 Apologies for Absence**
- 2 Declarations of Interest - Members to declare as appropriate**
- 3 Minutes of the Previous Meeting** (Pages 7 - 12)
To consider the minutes of the previous meeting held on 6 September 2022
- 4 Late Night Levy - Year 5, Quarter 4 Update** (Pages 13 - 18)
- 5 Timetable for the Review of the Statement of Licensing Policy and Cumulative Impact Assessment** (Pages 19 - 24)
- 6 Any Other Urgent Business**

Public Attendance

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections

to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;

- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



MINUTES OF A MEETING OF THE LICENSING COMMITTEE

TUESDAY, 6 SEPTEMBER 2022

This meeting was live streamed and can be viewed here:

<https://youtu.be/r397B9FgBil>

- Councillors Present:** Cllr Gilbert Smyth in the Chair
- Cllr Sophie Conway, Cllr Susan Fajana-Thomas, Cllr Zoë Garbett, Cllr Midnight Ross, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Joe Walker and Cllr Penny Wrout.
- Absent:** Cllr Eluzer Goldberg, Cllr Richard Lufkin, Cllr Sem Moema and Cllr Sharon Patrick
- Officers in Attendance:** Gerry McCarthy - Head of Community Safety, Enforcement and Business Regulation
Amanda Nauth - Corporate and Licensing Lawyer
David Tuitt – Licensing Business Regulation Team Leader
Natalie Williams – Governance Officer

1 Apologies for Absence

- 1.1 There were no apologies received.
- 1.2 It was noted that Cllr M Can Ozsen had joined the meeting remotely.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interest.

3 Minutes of the Previous Meeting

- 3.1 **RESOLVED:** That the minutes of the previous meeting of the Licensing Committee held on 31 May 2022 be agreed as a true and accurate record of proceedings.

4 Licensing Service Annual Report 2021/22

- 4.1 David Tuitt, Team Leader Licensing, introduced the report. It was noted that the report would also be presented to Full Council for information. Some of the main points of activity and achievement over the past financial year were highlighted as follows:

Licensing Act 2003

- The function that generates the most work is applications and correspondence under the Licensing Act 2003.
- There were 92 new licences granted under the Licensing Act 2003. The number of minor variation licences granted and applications to vary licences to specify a Designated Premises Supervisor both continued on a slight upward trend from the previous year.
- As expected, the number of Temporary Event Licences (TENs) received increased following the impact of the pandemic and subsequent lockdowns. Numbers had however not returned to what they were pre-pandemic.
- 16 review applications were received, which was the highest in the past five years. This was largely due to expedited review applications by the Metropolitan Police
- There was a significant increase in the number of personal licences granted compared to the previous year. This was in contrast to the downward trend seen in the previous four years.
- There were 58 Sub-Committee hearings, exceeding 50 for the first time since 2017/18. This increase was due to increased expedited review applications and temporary event notices where representations had been received .

In response to a question from the Committee regarding the number of TENs granted and refused, the Licensing Team Leader advised that the information was not contained within the report. Cllr Fajana-Thomas, Cabinet Member for Community Safety and Regulatory Services confirmed that approximately 78 percent of TENs received were approved. She advised that more concise information was available and could be provided outside of the meeting.

Gambling Act 2005

- There had been a downward trend in the number of premises that people could gamble in (betting, gambling, adult gaming centres and bingo). This is the lowest number since the Gambling Act 2005 commenced in 2007.

Massage and Special Treatments (MST) Licences

- MST licences include: nail bars, massage parlours, sauna & steam rooms and tattooists. There was a big fall in applications during the previous year due to the pandemic.
- Figures have not yet returned to what they were in 2019/2020, suggesting the Service has further work to do on this function to ensure that these premises are properly regulated.

Key Projects

- The service continued to be affected by resource issues as they were the previous.
- Key projects included: work on digital transformation, reintroduction of a routine inspection regime and policy assessment and initiatives under the Licensing Act 2003, implementation of a new database and a review of fees.

4.2 Following the presentation, Members asked questions, which were responded to as follows:

- It was explained that the implementation of the new Salesforce database system would bring about efficiency savings as following the criminal cyber attack on the council's IT systems, all data entry was undertaken manually. It was further explained that the on-line register which enabled residents to find out the opening hours of licensed premises, was no longer available following the cyber-attack which has led to more telephone and on-line queries.
- There were limitations on what the service could do in relation to the setting and collection of fees however, sustainability and positive environmental behaviours would be encouraged and promoted through policy implementation.
- The increase in review applications as referred to at page 19 of the agenda pack were in part due to one premises on Mare Street having 6 review applications, owing to having 3 licences in place. The general increase was felt to be a reflection of the reopening of the Night Time Economy, following restrictions. Whilst this was not a cause for concern per se, it was noted that review decisions were often appealed which presented further pressure on officer time.
- In reference to page 23 of the agenda pack, it was explained that CSEBR stood for Community Safety Enforcement and Business Regulation. Members were advised that work on the digital transformation was not as far along as planned. The entire service area was included in the digital transformation (including Environmental Health, Environmental Protection, Trading Standards and parts of Housing), which would be rolled out in phases, with various functions prioritised.

RESOLVED: To note the report

5 Late Night Levy - Year 5 Quarter 2 and 3

5.1 Samantha Mathys, Late Night Levy Manager introduced the report, which provided an update on the Late Night Levy activities during the second and third quarters of Year 5 (1 February 2022-31 July 2022), It was explain that the levy year runs from 1 November to 31 October.

5.2 The following points were highlighted:

Income and Expenditure

- Normal post pandemic income had been resumed with an increase in income from year 4
- The total receipts in year 5 amounted to £251.716.
- There is a balance of £146.232
- There is approximately £490k outstanding from previous years due to the period in the pandemic when collection was paused

- The police spend from July to April is £144.376. The agreement with the police runs from 3-6 months. There is a delay between provision of service and invoicing. Activity for year 5 will be invoiced in year 6.
 - It was explained that there were four redeployable CCTV cameras which could be moved around the borough in Night Time Economy (NTE) areas. The 3 year data package renewal for these amounted to £6.038
- 5.3 It was explained that the work undertaken by the Hackney Nights Team could be divided into three sections: (1) Crime prevention and engagement as set out at Appendix 1 Paragraph 4 which also included the accreditation scheme. (2) Enforcement and welfare as set out at Appendix 1 paragraph 5 which included the police plan focussed on reducing: vulnerability and violence especially against women and girls, thefts and substance misuse. (3) Communication and information sharing with stakeholders as set out at Appendix 1 paragraph 5 which included use of the Hackney Nights Portal and plans for a robust communications strategy.
- 5.4 Members of the Committee commented and asked questions which were responded to as follows:
- There was a statutory duty to collect fees. The 490k dated back to a period in the pandemic where collection was not actively followed up in light of the financial challenges faced by many premises due to being non-operational during lock down, The Council had lobbied central government along with other councils to get an exemption for this period. The Council however remained obliged to collect all the outstanding amounts, until such time that an exemption was agreed by central government.
 - In light of the cost of living crisis, the rise in energy costs and subsequent impact on businesses, every effort would be made to employ a pragmatic approach where possible and offer flexible payment options for those premises with outstanding fees.
 - Hackney Nights activities (including dedicated enforcement) had been tasked to Dalston. Following the pilot scheme of the medics team in Shoreditch, this had been extended to Dalston, Hackney Wick, Hackney Central and Stoke Newington. Police resources would focus primarily where needed. All 5 areas were taken into consideration when assessing how best to distribute resources in the most proportionate way.
 - There were limitations on how the outstanding 490k income could be spent as 70% would have to be spent on policing with 30% going to the local authority.
 - With regard to a question about one of the deployable cameras not being operational, the Head of Community Safety, Enforcement and Business Regulation agreed to provide an answer to this question outside of the meeting.
 - It was anticipated approximately 10% of LNL premises would take up the accreditation scheme based on research from other local authorities with similar schemes. Accredited venues benefit from a 30% reduction on the Late Night Levy.

- It was reported that it was difficult to impose mandatory training/requirements on all premises which were not part of the accreditation scheme, even on important issues such as safeguarding. Conditions could be imposed on the premises licence which would only be triggered in the event of an application for a new licence or a variation. Monthly free training sessions were available to all premises, not just LNL premises. Officers continued to make every effort to engage with all premises and the take-up of training had been encouraging especially with the larger venues. A support officer had been recruited to assist with engaging premises. Officers also regularly attended the monthly Pubwatch schemes (Dalston, Shoreditch, Hackney Central & London Fields and Stoke Newington) where training was promoted and awareness on key issues raised. A monthly newsletter was circulated to all venues who attend,
- The spending and allocation of funds (where applicable) was decided by the LNL Board which was composed of business representatives, the police, Councillors and the Hackney Nights and Licensing Teams. The Board took decisions collectively as a group.
- It was confirmed that premises that were in arrears could still apply to be part of the accreditation scheme. Membership had to be renewed annually to entitle the 30% reduction in LNL fees.
- Enforcement officers, police and medics team communicated via a radio system and prioritised their response based on need. Whether they remained a permanent feature was dependent on the income received. Costs were currently being absorbed by the shortfall in the police budget. Further funding was continuously sought through alternative sources.
- Police overtime rates referred to on page 31 of the agenda were for hours worked outside of normal working/core hours. However, sometimes hours in the LNL areas counted towards core hours. Hours were variable and dependent on each officer.
- The Chair spoke of his experience of having attended a walkabout in the Shoreditch area and accompanying officers and police during peak hours. He encouraged Members, where possible, to do the same in order to capture first hand learning experience and to gain a better understanding of some of the common issues.

RESOLVED: To note the report

6 Late Night Levy Governance Structure and Terms of Reference

- 6.1 The Late Night Levy Manager introduced the report as set out.
- 6.2 The Cabinet Member for Community Safety and Regulatory Services explained that efforts had been made to ensure the format of board meetings was engaging and interactive, enabling businesses to ask questions of the Council and the police.

- 6.3 The committee noted the Mayor of London's report on Licensing, May 2022 which commended the Hackney Nights Portal as an example of best practice. It was described as an 'open-ended platform rather than a prescriptive programme that can be adapted to business requirements'.

RESOLVED: To the Late Night Levy governance structure and the Terms of Reference.

7 Oral Update from Legal and Governance

- 7.1 The Licensing and Corporate Lawyer updated the committee on the current number and status of appeals and actions taken by the Council.

8 Any Other Urgent Business

- 8.1 There was no other urgent business for consideration.

Duration of the meeting: 7.06-8.25pm

CLlr Gilbert Smyth, Chair of the Licensing Committee



Title of Report	Late Night Levy - Year 5, Q4 Update
For Consideration By	Licensing Committee
Meeting Date	8 December 2022
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt

1. Summary

- 1.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) activities during the fourth quarter of Year 5 (1 August 2022 to 31 October 2022).

2. Recommendations

- 2.1 That the Licensing Committee notes the report and the appendices.

3. Comments of the Group Director of Finance and Corporate Resources

- 3.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) and the most recent board meetings (where available). There are no financial considerations at this time.

4. Comments of the Director of Legal, Democratic and Electoral Services

- 4.1 The Late Night Levy Board (“the Board”) has been established to advise and oversee how the levy monies are to be spent. This report has been prepared to provide the Licensing Committee with an update to the Late Night Levy governance structure and the Terms of Reference.
- 4.2 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.

Appendices

Appendix 1 – Late Night Levy - Year 5, Q4 update

Exempt

Not applicable.

Background Papers

None.

Report Author	Samantha Mathys Late Night Levy Manager samantha.mathys@hackney.gov.uk Tel: 020 8356 8974
Comments for the Group Director of Finance and Corporate Resources prepared by	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Amanda Nauth Licensing and Corporate Lawyer amanda.nauth@hackney.gov.uk Tel: 020 8356 6345

Late Night Levy - Year 5 Q4 Update

1. Year 5 Year To Date (YTD) Income

- 1.1 The Licensing Service has started to resume normal collections and we are seeing an increase in revenue when compared to year 4.
- 1.2 Total receipts in Year 5 amounted to £492,277. Of the total amount, £186,841 was collected in October alone.
- 1.3 There is a balance carried over from previous years of £146,232.
- 1.4 There are amounts outstanding to be collected from previous years of approximately £410,000.
- 1.5 In most cases, we have had to send reminder letters for multiple years as we had previously paused sending annual fee letters to allow time for businesses to bounce back from the pandemic.
- 1.6 It is intended to present a full annual financial report at the end of each financial year to provide more accurate figures.

2. Year 5 YTD Expenditure

- 2.1 The table below analyses YTD expenditure.

<u>Expenditure</u>	
Administration (1 Year)* Collections, admin, databases, letters, officer time	£20,000.00
Enforcement Service (1 Year of Late Night Patrols)*	£65,000.00
LNL Manager and Support Officer (1 Year Salaries including costs)*	£83,614.00
Medics April to July 2022 (4 months)	£14,446.00
Medics August to October 2022 (3 months) including BH	£12,212.00
MET Police - Provision of overtime between July 2020-Oct 2021	£51,616.82
MET Police - Provision of overtime between November to December 2021	£17,656.07
MET Police - Provision of overtime Jan-Mar 22	£30,220.73
MET Police - Provision of overtime April 2022	£44,884.54
MET Police - Provision of overtime May - July 2022	£53,583.23
MMV - 2nd & 3rd June Jubilee Weekend	£1,100.00
Print and Design (Posters, campaign materials, accreditation scheme)	£1,965.00

Recruitment Costs March 2022	£1,720.00
Redeployable Camera Deployment Costs April 2022	£1,347.00
Redeployable Camera Deployment Costs February 2022	£247.00
Redeployable Camera Data Package Renewal 3 Years	£6,038.00
Redeployable Camera Deployment Costs September - October 2022	£737.00
Training Costs Dec 2021	£204.00
Total YTD Expenditure	£406,591.39
Balance Remaining	£231,917.61
*These transactions are recorded at the end of the financial year and deducted for the previous annual period	

3. Crime Prevention, Engagement & Education

- 3.1 The Council has continued to deliver a steady programme of regular training via the online Hackney Nights portal and in person. These are free to all licensed premises in Hackney. We teamed up with Tower Hamlets and the MET Police to deliver a special briefing for the FIFA World Cup on 15th November 2022. We had several hundred attend either in person or online.
- 3.2 Officers have regularly engaged with licensed premises via meetings, forums, site visits and pubwatches to ensure they have access to all the important information that is easily accessible via the Hackney Nights online portal.
- 3.3 The Late Night Levy Support Officer is undertaking visits to premises to boost portal enrollments and ensure all licensees have access to the latest guidance and information.
- 3.4 The accreditation scheme work is ongoing with two additional licensed premises having their application accepted. Applications have slowed but we are sending out invitations to apply via post to every late night levy premises as part of our newsletter in November ahead of the festive period.
- 3.5 Accredited venues will benefit from a 30% reduction on the late night levy as part of our greater recovery plan from the pandemic and the impact it has had on businesses.

4. Enforcement and Welfare of Night Time Economy Users

- 4.1 The Police overtime agreement ended on October 31st 2022. The Police agreement funded 1 Inspector, 4 Sergeants and 24 Police constables across

the borough in night time economy areas. They have been contracted on Fridays and Saturdays until 06.00. The total contract amount was for £150,000 but the final confirmed spend will be expected to be approximately £125,000.

- 4.2 At the Late Night Levy Board meeting in October, it was presented that resources would be reduced to 1 Inspector, 3 sergeants and 18 constables from January to March 2023. We have signed a new agreement to cover November 2022 to March 2023 in the amount of £115,000.
- 4.3 It was agreed at the Late Night Levy Board meeting that the medics program would continue and we have now signed an agreement for the next six months. It was also agreed to have additional provision on Thursdays in December for the holiday season. From August to October 2022 they have treated a total of 114 individuals for the following: 42 Intoxicated with alcohol or drugs and vulnerable, 18 assault injuries, 18 accidental injuries, 11 unresponsive, 8 road traffic collisions, 5 mental health, 4 stabbings, 3 illness, 3 overdose, 1 Police officer assaulted, and 1 allergic reaction.
- 4.4 The number of new radios being given out has increased by 16 and there has been a notable increase in traffic over the last month. A pilot programme for an additional CCTV operator during night time economy hours in the control room to specifically monitor the business channels and accommodate increased radio traffic is under way.
- 4.5 The Levy has continued to fund Enforcement Officers to patrol night time economy areas to deal with issues including public urination, littering and antisocial behaviour mostly in the Shoreditch area. Funding has also been allocated for a dedicated enforcement resource for Dalston. It is anticipated that the enforcement resource is likely to increase as the Police allocation decreases.

5. Communication and information sharing with all stakeholders

- 5.1 The Hackney Nights portal remains the main communication tool with licensees.
- 5.2 Meaningful updates regarding Hackney Nights is proved in all partnership and member meetings (Licensing Committee, Night time Economy Subgroup, Licensing Officers Enforcement Group , Partnership Tasking, Licensing Monthly Update meetings, Violence Against Women and Girls Strategic Board).

5.3 The first quarterly Hackney Nights Newsletter has been developed and first edition gone to all Hackney Nights portal users, Partners, Councillors and other stakeholders. The second edition (festive season) was sent out in November.

6. Conclusion

6.1 The Hackney Nights night time economy program is working well with an excellent partnership in place between Enforcement Officers, Medics, and the Police.

6.2 The Levy is in a secure financial position moving into the next financial year which is November 2022-October 2023.

6.3 There has been some resistance to the payment of fees including arrears and Officers anticipated the take up of the scheme to be higher. We need to ensure more businesses apply and will continue to focus on this area.

6.4 There is a robust plan in place for the festive period and to include the FIFA World Cup which is currently taking place.

6.5 The Licensing Service will continue to prepare and present quarterly updates to the Licensing Committee which, as well as the Late Night Levy Board which will maintain oversight of the Levy moving forward.



Title of Report	Timetable for the Review of the Statement of Licensing Policy and Cumulative Impact Assessment
For Consideration By	Licensing Committee
Meeting Date	8 December 2022
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt

1. Summary

- 1.1 This report provides the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and an update on the work to review the Statement of Licensing Policy (“the Policy”) and the undertaking of a cumulative impact assessment prior to these becoming effective in 2023.

2. Recommendation(s)

- 2.1 There are no formal recommendations set out in this report. This report is for informative purposes, in order to provide the Licensing Committee with an update on the work to review the Statement of Licensing Policy (“the Policy”) and the undertaking of a cumulative impact assessment. Licensing Committee can note: the proposed timetable for the review of the Policy and to undertake a Cumulative Impact Assessment (CIA).

3. Background

Statement of Licensing Policy

- 3.1 The Licensing Act 2003 requires each local authority to publish a Statement of Licensing Policy and review it at least once every five years. This Statement must establish the principles to be applied when determining applications under the Act, such as applications for the sale/supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 3.2 The Act specifies that in drafting and implementing the Policy, it must promote the four licensing objectives. These are:
- The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.

- 3.3 Home Office Guidance issued under section 182 of the Licensing Act 2003 (the “Guidance”) provides local authorities with direction on the discharge of their functions under the Act. Licensing Authorities must have regard to the Act and the Guidance when preparing its Policy.
- 3.4 The Council first published its Statement of Licensing Policy (‘Policy’) in January 2005. This sets out the decision-making principles when licensing premises for alcohol, regulated entertainment and late night refreshment. Full reviews of the Policy took place in 2007 and 2010. A further review took place in 2013 to include a Special Policy Area (SPA) in Dalston that was introduced in January 2014. Further reviews took place in 2015 and 2017. The current iteration of the Policy became effective in August 2018.

Cumulative Impact Assessment

- 3.5 A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 3.6 Section 5A of the 2003 Act sets out the steps a licensing authority needs to carry out in order to publish a CIA and review it, including the requirement to hold a public consultation. Any CIA published by a licensing authority must be summarised in its Policy.
- 3.7 There are currently two cumulative impact areas as set out in the Policy which are referred to as Special Policy Areas (SPAs). These apply to parts of Shoreditch and Dalston and require the applicant to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas.

4. Proposed Timetable

- 4.1 The table below provides an outline of the timetable to implement the revised Policy.
- January- Draft Licensing Policy presentation to the Policy Steering Group.
 - 8 March 2023 - Draft Policy for consultation presented to the Licensing Committee.
 - March to May 2023 - Consultation on the draft Licensing Policy.
 - June/July 2023 - Licensing Committee recommends draft Licensing Policy for approval by Full Council.
 - June/July 2023 - Licensing Committee considers Cumulative Impact Assessment for consultation.
 - July 2023 - Full Council approves the Licensing Policy.

- 31 July 2023 - Licensing Policy comes into effect.
- September 2023 - Licensing Committee considers Cumulative Impact Assessment to be published following public consultation.
- October 2023 - Full Council considers Cumulative Impact Assessment to be published.

5. Comments of the Group Director of Finance and Corporate Resources

- 5.1 This report informs Members of the proposed review of the Licensing Policy and Cumulative Impact Assessment. There are no immediate financial implications. The activities leading up to the adoption of the Policy may have a financial impact, which will need to be met from within existing budgets.

6. Comments of the Director of Legal, Democratic and Electoral Services

Licensing Policy

- 6.1 The Licensing Act 2003 ('the Act') confers various powers to the Council when discharging the licensing functions for the sale and supply of alcohol, regulated entertainment and late night refreshment.
- 6.2 Part of the functions requires the Council to produce and review a Statement of Licensing Policy ('the Policy'). Section 5 of the Act now allows the Policy to be reviewed every 5 years, following the changes brought in by the Police Reform and Social Responsibility Act 2011 (PRSRA 2011).
- 6.3 The existing Policy came into force on 1 August 2018 and expires on 31 July 2023. The Council must have a revised Policy in place by 1 August 2023.
- 6.4 The Act does not set out any review processes to be adopted. It will be a matter for the Council to decide the process of review, unless further regulations are produced pursuant to Section 5(7) of the Act.
- 6.5 The drafting of any revised policy must be done in line with the Act and the Section 182 Government Guidance ('the Guidance').
- 6.6 Since the current policy took effect there have been a number of legislative changes affecting the Act. This must be reflected in any revised Policy where appropriate. Examples of the legislative changes that require the Policy to be updated include:
- Policing and Crime Act 2009.
 - Police Reform and Social Responsibility Act 2011.
 - Live Music Act 2012.
 - Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order
 - Licensing Act 2003 (Mandatory Conditions) Order 2014.
 - Immigration Act 2016.
 - Business and Planning Act 2020.

- 6.7 The revised Policy must also re-assess the Special Policy Areas (“SPAs”) in place and the need for any others. The Guidance allows for the adoption of an SPA where the evidence justifies that the licensing objectives around crime and disorder and public nuisance is, or will be, undermined due to the concentration of licensed premises in an area.
- 6.8 There is no maximum or minimum level of evidence needed to introduce an SPA.
- 6.9 Notwithstanding paragraph 6.8 above, the Guidance refers to good evidence which should provide a reasonable and rational decision for the adoption of any SPA within the borough.
- 6.10 Within the terms of reference for the Licensing Committee, it is the responsibility of the Licensing Committee to maintain an overview of the Council’s statement of licensing policies and recommendations to Full Council as appropriate during review.

Cumulative Impact Assessment

- 6.11 Under section 5A of the Licensing Act 2003 A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
- 6.12 A cumulative impact assessment must set out the evidence for the authority's opinion as set out in the assessment in accordance with subsection.
- 6.13 For the purposes of this section, “relevant authorisations” means—
- (a) premises licences;
 - (b) club premises certificates.
- 6.14 A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment. Before publishing a cumulative impact assessment, the licensing authority must consult the persons mentioned in section 5(3).
- 6.15 For the purposes of the consultation, the licensing authority must provide the persons mentioned in section 5(3) with the following information—
- (a) the reasons why it is considering publishing a cumulative impact assessment;

- (b) a general indication of the part or parts of its area which it is considering describing in the assessment;
 - (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- 6.16 Where a licensing authority publishes a cumulative impact assessment, it must, before the end of each relevant period, consider whether it remains of the opinion stated in the assessment. The relevant period is three (3) years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment.
- 6.17 Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- 6.18 If the licensing authority is no longer of that opinion—
 - (a) it must publish a statement to that effect, and
 - (b) the duties in section 5(6D) and (6E) and subsection (7) of the Licensing Act 2003 cease to apply in relation to the assessment.
- 6.19 If the licensing authority remains of that opinion, it must revise the cumulative impact assessment so that it—
 - (a) includes a statement to that effect, and
 - (b) sets out the evidence as to why the authority remains of that opinion.
- 6.20 A licensing authority must publish any revision of a cumulative impact assessment.
- 6.21 This report is for informative purposes only in order to provide the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and an update on the work to review the Statement of Licensing Policy (“the Policy”) and the undertaking of a cumulative impact assessment. There are no further legal implications arising from this report.

Appendices

None

Exempt

Not applicable.

Background Papers

None

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