

MINUTES OF A MEETING OF THE LICENSING COMMITTEE

TUESDAY, 14 NOVEMBER 2023

Councillors Present:	Cllr Gilbert Smyth in the Chair Cllr Susan Fajana-Thomas (late), Cllr Richard Lufkin (late), Cllr Yvonne Maxwell, Cllr Anya Sizer (late), Cllr Zoë Garbett and Cllr Joe Walker
Apologies:	Cllr Chris Kennedy, Cllr Ian Rathbone, Cllr Midnight Ross and Cllr Penny Wrout
Absent:	Cllr Sem Moema
Officers in Attendance:	Gerry McCarthy - Head of Community Safety, Enforcement and Business Regulation Amanda Nauth – Licensing and Corporate Lawyer David Tuitt – Business Regulation Team Leader Natalie Williams – Senior Governance Officer
Officers in Attendance Virtually:	Josephine Sterakides - Senior Lawyer-General Litigation and Public Realm

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Kennedy, Rathbone, Ross and Wrout.
- 1.2 Apologies for lateness were received from Councillors Lufkin and Sizer.
- 1.3 It was noted that Councillor Conway and Councillor Suso-Runge had joined the meeting remotely.
- 1.4 Councillors accessing the meeting remotely, were reminded that they were not counted as being 'present' for the purposes of the Local Government Act 1972 and may not vote on any item under consideration. At the discretion of the Chair, may however contribute to the discussion and participate in non-decision making capacity.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 In the interest of openness and transparency in relation to agenda item 4, Cllr Maxwell advised that she was a ward Councillor for Hoxton West. Cllr Walker advised that he was a ward Councillor for De Beauvoir. Cllr Garbett advised

that she was a Dalston ward Councillor and also lived in Dalston. It was noted that these wards bordered or included areas which were to be discussed.

3 Minutes of the Previous Meeting

RESOLVED: That the minutes of the previous meeting held on 17 July 2023 be approved as a true and accurate record of proceedings.

4 Cumulative Impact Research Report

4.1 David Tuitt, Business Regulation Team Leader gave a broad overview of the report, highlighting the following:

- The report provided information on the cumulative impact research. Members were requested to consider the findings of the report, decide the next steps and note the proposed timetable for any consultation and publication of any Cumulative Impact Assessment (CIA).
- The Licensing Policy came into effect on 1 August and did not have a Special Policy or Cumulative Impact Policy, which were previously applied to parts of Shoreditch and Dalston.
- Work was commissioned to assess whether there was any cumulative impact within the borough. The research highlighted Shoreditch as a significant hotspot for crime, ambulance service callouts and issuing of fixed penalty notices. Dalston was identified as having approximately half or less of such incident counts. Hackney Central, Hackney Wick and Broadway Market were identified as areas of interests with lower levels of crime.
- Data was compared before and after the pandemic. Shoreditch was the only area where the majority of all reported crime and other incidents took place at night. There had been a significant improvement in crime rates post-pandemic; however the level of crime in Shoreditch remained high.

4.2 David Lucas, Licensing Solicitor from Six till Six outlined the statutory position relating to cumulative impact, as follows:

- Cumulative Impact Assessments (CIA) was incorporated into the Licensing Act at Section 5A in 2018, moving from statutory guidance to a statutory footing. separate to the Licensing Policy.
- The aim was to strengthen the ability of authorities to control the availability of alcohol and reduce alcohol related crime and disorder. As well as providing industry with greater clarity on how they can be used.
- Authorities were to determine whether there was evidential basis to introduce one or more CIAs within their area. The intent was that CIAs be used as discretionary and not mandatory measures to promote the licensing objectives.

- Stage 1 - substantiating any concerns relating to the licensing objectives with evidence showing the correlation with the behaviour of customers of licensed premises in a defined geographical area.
- Stage 2 - consultation making people aware of the concerns, proposed areas and the supporting evidence.
- Stage 3 - the Licensing Committee making a final decision on whether to publish a CIA (to be reviewed every three years) .
- There was no longer a rebuttable presumption to refuse an application within a cumulative impact area if representations were received. As a statutory regime, each application was to be considered on its own merit on the basis of the evidence presented. If no representations were received the basic principle to be applied was to grant the application.

4.3 Alastair Turnham, a consultant from MAKE Associates, highlighted the main findings of the research as set out at the Appendix of the report follows:

- The areas chosen for the analysis were: Dalston and Shoreditch (former Special Policy Areas SPAs). Hackney Central, Hackney Wick and Broadway Market were identified areas of interest.
- The analysis was undertaken in consultation with various Council departments including Community Safety, Housing, Noise Pollution amongst others.
- Crime data was the principal methodology used due to being the most comprehensive and consistent. Additionally, data from the London Ambulance Service (LAS), Noise Team and stakeholders including residents and CCTV were also used.
- Shoreditch - still negative impact of crime associated with alcohol led licenced premises. Area in the borough that experienced the most crime however there has been a significant fall in crime rates and LAS callouts between 2019-2022 which appeared to continue falling in 2023. Issues such as loitering and use of nitro oxide (which had since been made illegal) remained considerable.
- Dalston - there had been an overall reduction in crime and LAS callouts in the last four years. Crime was approximately half the level seen in Shoreditch and was concentrated within approximately 400 metres of the centre. In the north and south of the area, crime remained consistently low with relatively few licensed premises. Crime levels were worse during the day which was unusual for an area with such a thriving Night Time Economy (NTE).
- Hackney Central - saw half of the number of incidents as Dalston. Significant public street drinking took place day and night. The area around Bohemia Place and the Narrowway could become congested at night but it was felt that this was more of a public realm design and management issue as opposed to cumulative impact.

- Hackney Wick - was without much issue. Most licenced premises were in the Tower Hamlets side. The clientele attracted were not disposed to problematic behaviour.
- London Fields and Broadway Market - these areas were looked at due to anecdotal evidence. Increased level of Fixed Penalty Notices during the pandemic which had returned to normal levels. Crime level and noise reports were low in these areas.

4.4 The Chair and committee welcomed the findings and asked questions which were responded to as follows:

- A survey was undertaken as part of the research, which was published through the Council's usual channels (including website, social media, pubwatch and residents associations). This was not a formal Council consultation.
- The survey was intended to be fact finding as opposed to statistically significant and representative of all demographics.
- If consultation were to proceed, then a different more far reaching approach should be taken.
- It was difficult to separate the impact of Off-Licensed premises.
- A significant feature of the Shoreditch Night Time Economy (NTE) was preloading and side loading. This involved consuming one's own alcohol before going into a licenced premises or visiting one licenced premises then buying alcohol at an Off-Licence and consuming on the streets before visiting another licenced premises.
- Active daytime drinking accounted for the high level of daytime crime in Dalston.
- Different areas and venues attracted different crowds. In Shoreditch there was a predominantly mainstream, alcohol fuelled, younger crowd as well as a huge spectator crowd of those not using the NTE. In Dalston, there was a more mature and significant LGBTQ+ crowd which was well managed. Hackney Wick saw a more mature crowd which were dispersed in an area , with limited transport links. Hackney Central was demographically diverse, with a clientele interested in live music, craft ales and non-vertical drinking culture.
- An approximate six month timeframe was used for the research to fit the overall timetable of work and due to the availability of external colleagues.
- There was no threshold for cumulative impact which was a decision solely for the Licensing Committee to make based on the evidence presented and the results of any consultation.
- Members were advised of the importance of identifying the boundaries within the areas they may wish to include in any initial consultation as this could not be later added to.

- With reference to Dalston, it was noted that crime statistics during the day related to in and around Ridley Road Market and Gillett Square.
- The research highlighted that specific interventions were required in some areas. Accreditation to the Hackney Nights Scheme would be encouraged to ensure venues were managed well.
- No stakeholder engagement with neighbouring boroughs was undertaken as part of the research. Further engagement with the police would be undertaken on as part of any future work. The police were reported to be supportive of the former Special Policy Area (SPA) in Shoreditch but it remained questionable whether Dalston was still appropriate.
- Any views or preferences expressed by Responsible Authorities had to be evidence based.
- The findings were imperfect and did not capture Anti Social Behaviour (ASB) and low level crime which often go unreported. Additionally, the data did not focus on specific premises which required intervention but where there was a concentration of licenced premises.
- SPA applied a presumption not to grant variation or new licence applications unless the applicant demonstrated how the licence would not add to the cumulative impact. Special Consideration Areas (SCAs) had no presumption to refuse instead required the applicant to address the issues identified in that area.
- The regime provided an opportunity to identify and determine new areas and boundaries. CIAs were not a quick fix to existing issues. A flexible approach could be adopted to CIAs, confining to certain types of premises.
- SCAs would be a separate regime forming part of the Licensing Policy for decision by Full Council.
- In the presence or absence of CIAs, the Licensing Policy, Core Hours Policy Late Night Levy, outdoor hours approach and planning requirements would still be retained.

4.5 Throughout the discussions, the Committee expressed the following for consideration going forward:

- There was sufficient evidence for a SPA in Shoreditch to include possible expansion.
- Issues experienced during the day and night within Dalston should be separated.
- Issues in Hackney Central where there was insufficient lighting (Narrowway and St John's) and aggressive begging, required support and outreach and were not due to cumulative impact.

- Ensure engagement with ward Councillors in specific areas to ascertain key issues of escalating ASB and low level crime not captured in the research.
- It was important to balance the wellbeing of residents and manage an environment that facilitated a thriving NTE.
- It was important to ensure the right approach for each area. Identify what could be solved through enforcement action and other intervention measures and what could only be dealt with by CIAs
- Engagement as well as enforcement was key in the process.
- Ward Councillors had not consulted as part of the Cumulative Impact Research.
- There remained a certain level of uncertainty post pandemic.
- The previous SPAs worked well and were a natural deterrent which was difficult to quantify.
- There was a need to be clear with residents about what was proposed and the language and terminology used.
- An increased NTE does not necessarily equate with an increase in crime
- Over 80% of people did not feel that the SPAs were needed when implemented.

RESOLVED:

1. To consider the contents and findings contained within the Cumulative Impact Research Report and to consider a Cumulative Impact options paper at its meeting on 14 December 2023.
2. To note the proposed timetable for publication and consultation of any Cumulative Impact Assessment.

Cllr Garbett wished it to be put on record that she did not believe there was sufficient evidence to suggest that there were issues of cumulative impact in Dalston that required the implementation of a special policy area.

5 Any Other Business

- 5.1 There was no other business for consideration.

Duration of the meeting: 7. 00-8.57pm

Tuesday, 14 November 2023

Cllr Gilbert Smyth
Chair of the Licensing Committee