



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

Wednesday, 10 January 2024 at 7.00 pm

Room 102, Hackney Town Hall,
Mare Street, E8 1EA

Live stream link: <https://youtube.com/live/hw-2jquaQOA>

Back up link: <https://youtube.com/live/r7kvfsS9Jlc>

Members of the Committee:

Councillor Gilbert Smyth (Chair), Councillor Sophie Conway, Councillor Susan Fajana-Thomas, Councillor Zoë Garbett, Councillor Christopher Kennedy, Councillor Richard Lufkin (Vice Chair), Councillor Yvonne Maxwell, Councillor Sem Moema, Councillor Sharon Patrick, Councillor Midnight Ross, Councillor Anya Sizer, Councillor Sheila Suso-Runge, Councillor Joe Walker, and Councillor Penny Wrout

Dawn Carter-McDonald
Interim Chief Executive
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www.hackney.gov.uk

Contact: Natalie Williams
Senior Governance Officer
governance@hackney.gov.uk

Licensing Committee

Wednesday, 10 January 2024

Order of Business

1 Apologies for Absence

2 Declarations of Interest

Members are invited to consider the guidance which accompanies this agenda and make declarations as appropriate.

3 Minutes of the Previous Meeting (Pages 7 - 12)

To consider the minutes of the previous meeting held on 14 November 2023.

4 Questions to the Committee

A Councillor or a member of the public who lives, works, or studies in the Borough can ask a question of the Committee with one supplementary question relating to an item on the agenda.

If the Chair agrees, a member of the public can ask a question at the Committee without having given notice. If a question without notice is asked, the Chair will explain that it might not be possible to give a full answer at the meeting and that a written response will be provided.

Please contact governance@hackney.gov.uk for further information.

5 Late Night Levy - Year 6, Quarter 3 and 4 Update (Pages 13 - 16)

6 Licensing Service Annual Report 2022/23 (Pages 17 - 34)

7 Cumulative Impact Options (Pages 35 - 44)

8 Any Other Business

Public Attendance

The Town Hall is open. Information on forthcoming Council meetings can be obtained from the Town Hall Reception.

Members of the public and representatives of the press are entitled to attend Council meetings and remain and hear discussions on matters within the public part of the meeting. They are not, however, entitled to participate in any discussions. Council meetings can also be observed via the live-stream facility, the link for which appears on the agenda front sheet of each committee meeting.

On occasions part of the meeting may be held in private and will not be open to the public. This is if an item being considered is likely to lead to the disclosure of exempt or confidential information in accordance with Schedule 12A of the Local Government Act 1972 (as amended). Reasons for exemption will be specified for each respective agenda item.

For further information, including public participation, please visit our website <https://hackney.gov.uk/menu#get-involved-council-decisions> or contact: governance@hackney.gov.uk

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, 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.
- 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

Cllr Gilbert Smyth
Chair of the Licensing Committee



Title of Report	Late Night Levy - Year 6, Quarter 3 and 4 Update
For Consideration By	Licensing Committee
Meeting Date	10 January 2024
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt, Group Director Climate Homes and Economy

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 third quarter of Year 6, namely the period from 1 May to August and 1 September to 31 July 2023.

2. Recommendations

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

3. Comments of the Interim Group Director of Finance

- 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 Acting 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 of activities pertaining to the Late Night Levy.
- 4.2 This report is for informative purposes, as such, there are no legal implications arising from the report that require comments at this stage.

Appendices

Appendix 1 – Late Night Levy - Year 6, Q3 and 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 Interim Group Director of Finance prepared by	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments for the Acting 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 6 Q3 and Q4 Update (May to July and August to October 2023)

1. Year 6 Year To Date Income

1.1 Total receipts in Year 6 Q3 and Q4 amounted to £207,883.

2. Training, Crime Prevention and Engagement

2.1 A total of 410 nightlife and security staff were trained this half (compared to 150 in Q2).

2.2 We have added four new courses:

- Welfare training for LGBTQIA+ venues and staff.
- Gender Diversity online course, a session designed for all nightlife staff on educating on gender concepts and promoting inclusivity and equality.
- Alcohol and safety training for shops and off licences.
- Underage sales for shops and off licences.

2.3 The #DontCrosstheLine campaign was launched across the borough in partnership with the City of London and Tower Hamlets. The campaign was based on a consultation with young people around misogyny and sexual harassment in out night time spaces.

2.4 We employed the mobile messaging vehicle for the freshers period, distributing crucial safety advice.

2.5 We have introduced a new weekly electronic briefing that is sent out every Thursday, giving an overview of issues across the borough with crime prevention advice as well as events of note and special messages to licensed premises.

2.6 We held our first Hackney Nights welfare area, which saw Council and Police engage with the public. 200+ people interacted with the help point. We also experienced victims of crime coming to get help from officers, one of which led to an arrest.

3. Hackney Nights Portal

3.1 We now have a total of 490 (last half 461) users on the Hackney Night Portal. We have now reached 100% of all licensed bars, pubs and clubs which have been visited and added to the portal. We also maintain these databases and continuously cycle visits based on activity.

3.2 Engagement with shops and off licences has commenced and is ongoing.

3.3 We have made some improvements to the online portal with an improved user interface.

4. Hackney Nights Accreditation Scheme

- 4.1 We now have 26 (+5 last half) accredited venues. An updated map of the accredited venues is now available on the Hackney Nights page of the Hackney website. We have also accelerated our posting schedule and now share a portrait of each new accredited venue via social media.

5. Policing, Enforcement and Welfare

- 5.1 We had extra Police resources for the bank holidays with a full deployment on the bank holidays Sundays as well as additional resources for the freshers period.
- 5.2 We have seen a slight rise in medical interventions with our first responders. They have dealt with a total of 183 interventions in this 6 month period.

6. Hackney Nights Business Friendly Regulation Project

- 6.1 We have started funding out of hours officers on Fridays and Saturdays to deal with commercial noise complaints out of the Late Night Levy which represents about £30K annually.
- 6.2. We have successfully obtained £20K from the Greater London Authority to contribute to the Hackney Nights project which will aim to implement more business friendly licensing, planning and noise processes. Businesses will now have access to a noise and planning checker via the online portal as well as a complete licensing advice service.
- 6.3 There will be co-delivery with partners Music Venue Trust of a targeted workshop for businesses as well as 1:1 consultations around the environmental protection and planning aspects of the project

7. Conclusion

- 7.1 We have managed to reach 100% of all bars, pubs and clubs with our engagement strategy and have more than a 50% open rate with our weekly email which means information is more accessible to businesses than ever before.
- 7.2 The new noise project will be groundbreaking and act as a UK wide case study on how to make the regulatory processes simpler and more transparent to businesses.
- 7.3 The Licensing Service will continue to prepare and present quarterly updates to the Licensing Committee which, as well as the Late Night Levy Board, will maintain oversight of the Levy moving forward.



Title of Report	Licensing Service Annual Report 2022/2
For Consideration By	Licensing Committee
Meeting Date	10 January 2024
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt, Group Director Climate Homes and Economy

1. Summary

- 1.1 The purpose of this report is to inform the Licensing Committee of the activities and performance of the Service during the year 2022/23 and to show aims and targets for the forthcoming 2023/24 year. This report provides an update on the main operational functions of the Licensing Service in terms of applications, policy and enforcement.

2. Recommendations

- 2.1 That the Licensing Committee notes the report.

3. Comments of the Interim Group Director of Finance

- 3.1 This report requests the Licensing Committee to note the activities and performance of the Service during 2022/23 and the aims and targets for 2023/24.
- 3.2 The Licensing Service generated an annual income total of £1,366,714 in 2022/23 of which £640,310 is attributable to the late night levy.
- 3.3 The Licensing Service will manage its costs within the financial constraints determined by income from externally regulated and locally set fees.
- 3.4 Licensing income continues to be affected by the Coronavirus pandemic. This will continue to be monitored by regular liaison between the Licensing Service and Finance.

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

4.1 This report is solely for noting as such there are no legal matters arising from the report that require comment at this stage.

Appendices

Appendix 1 – Annual Report

Exempt

Not applicable.

Background Papers

Not applicable.

Report Author	David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk Tel: 020 8356 4942
Comments for Interim Group Director of Finance	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

Licensing Service

2022/23 Annual Report

Contents

1. Introduction
2. Licensing Act 2003
3. Gambling Act 2005
4. Massage and Special Treatments (MST) Licences
5. Look back / Projects
6. Planned Activity for 2023/24

APPENDIX – SUMMARY TABLES

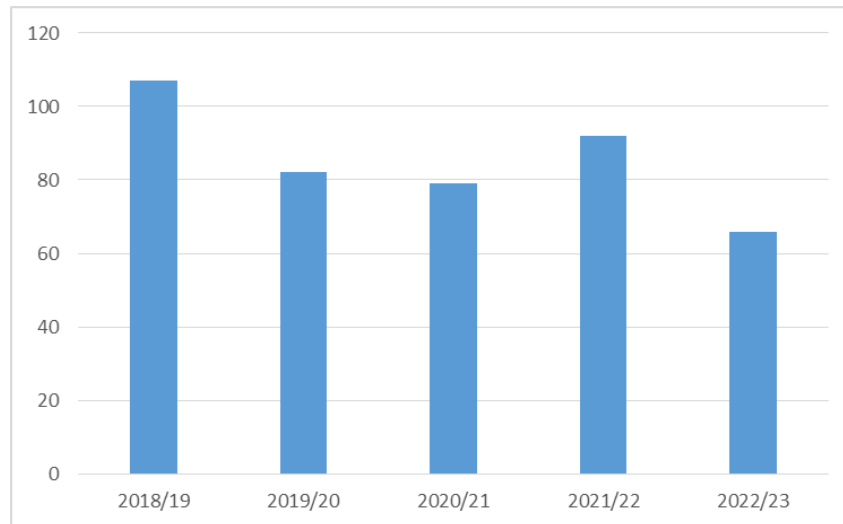
1. Introduction

- 1.1 The purpose of this document is to report on the activities and performance of the Service during the year 2022/23 and to show aims and targets for the forthcoming year.
- 1.2 Responsibility for discharging many of the Council's licensing functions lies with the Licensing Service. The Service is also responsible for the development and review of alcohol and entertainment licensing, gambling and sex establishment policies as well as providing guidance and assistance on the various licensing, registration and permitting processes. The enforcement of licensing legislation is shared with other regulatory partners.
- 1.3 Officers occasionally conduct inspections to premises to ensure compliance with authorisations and advise businesses of their responsibilities. The enforcement/compliance functions also involve investigations into complaints of alleged unauthorised activity. Formal enforcement actions are taken when merited and in accordance with the Council's Enforcement Policy the Regulators Code.
- 1.4 Officers also fulfil the responsible authority role on behalf of the Licensing Authority as defined under the Licensing Act 2003 and the Gambling Act 2005. This entails reviewing new and variation applications and considering making representations having regard to the Council's Licensing Policy and Gambling Statement of Principles.

2. Licensing Act 2003

Premises licences granted

- 2.1 A premises licence authorises a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of late night refreshment, under the Licensing Act 2003.

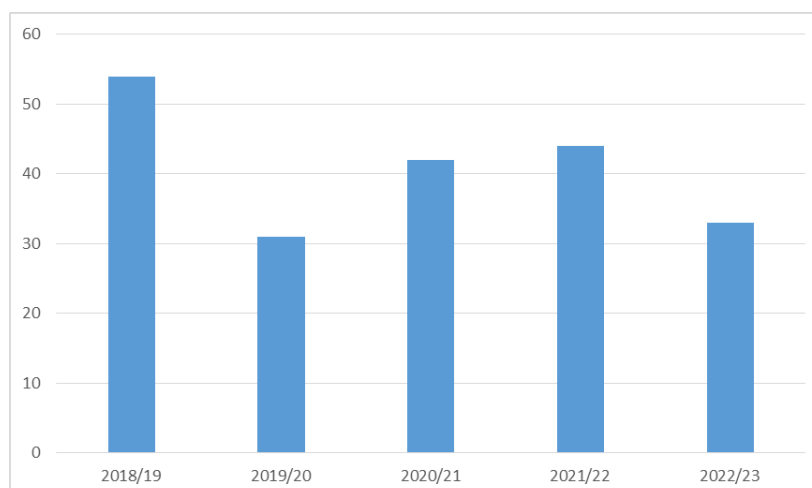


1. Premises licences granted

- 2.2 Fig. 1 highlights the numbers of new licences granted. The number of new licences granted has been falling fairly consistently over the past 5 years.

Minor variations

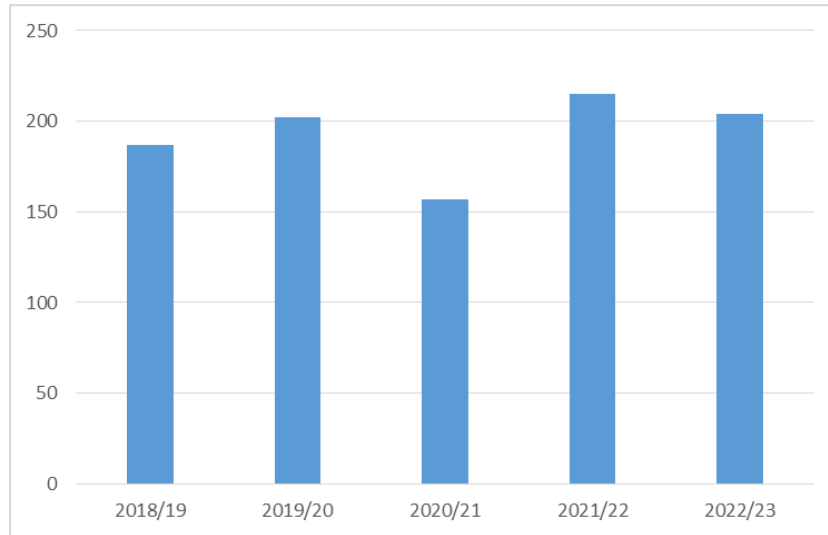
- 2.3 On receipt of an application for a minor variation, the licensing authority will consider whether the variation could impact adversely on the licensing objectives. In the case of minor variations, there is no right to a hearing (as there would be for a full variation or new application), but licensing authorities take any representations into account in arriving at a decision.



3. Application for minor variation

2.4 There was a fall in the number of minor variation applications received however the figure was consistent with the trend over recent years.

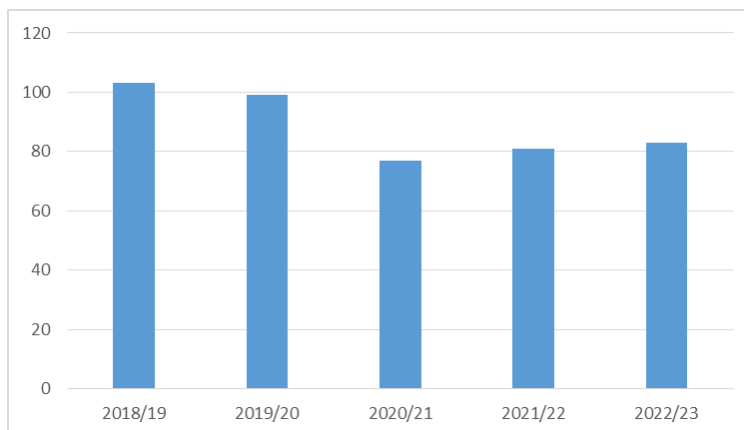
Variations to specify an individual as DPS



4. Applications to vary licence to specify DPS

2.5 Where a premises licence authorises the supply of alcohol, there is a requirement for a personal licence holder to be nominated as the designated premises supervisor. The number received in 2022/23 continues to show a consistent trend which is to be expected due to the transient nature of the industry.

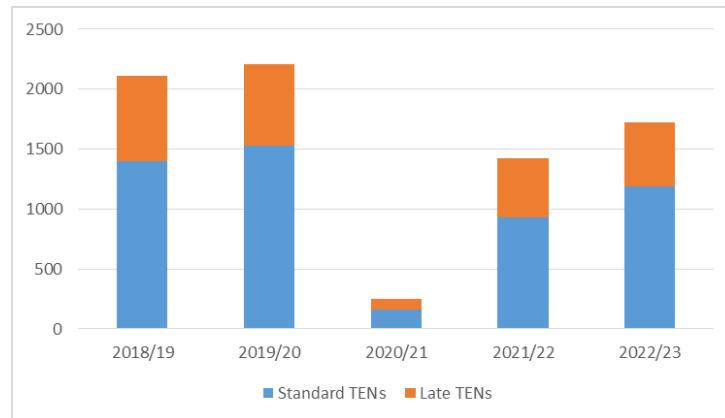
Transfer of premises licences



5. Transfers of premises licences

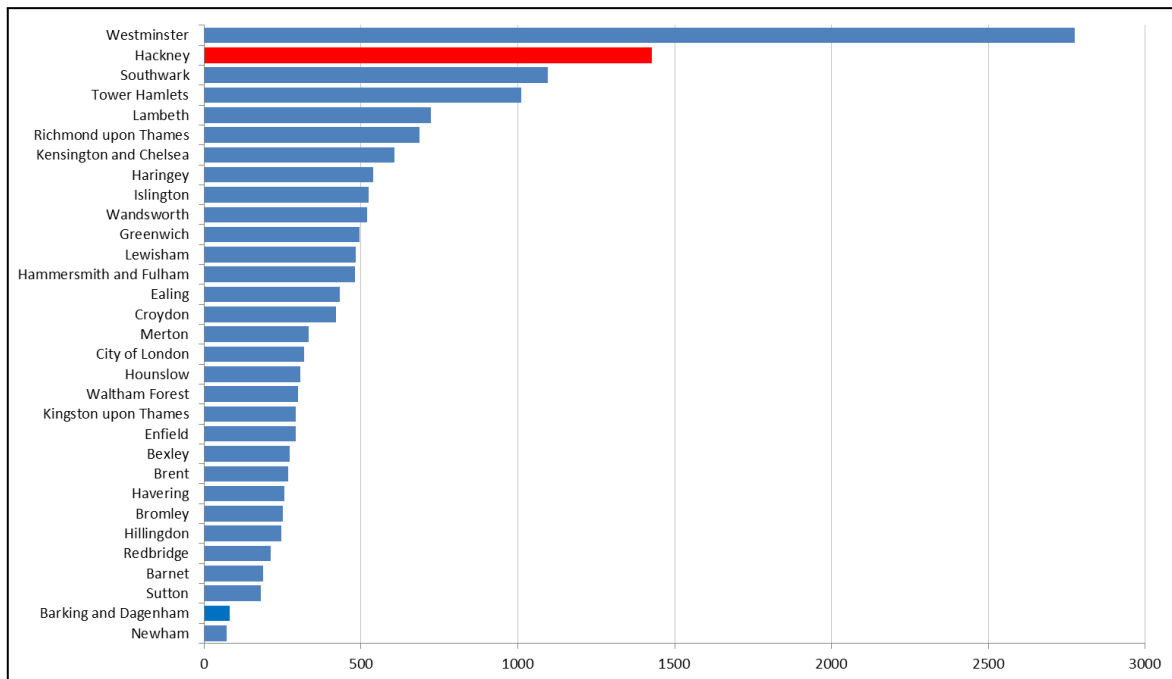
2.6 The number of licences being transferred between operators remains stable after showing a slight decrease in the number received between 2018 and 2020.

Temporary Event Notices (TENs)



6. Temporary Event Notices

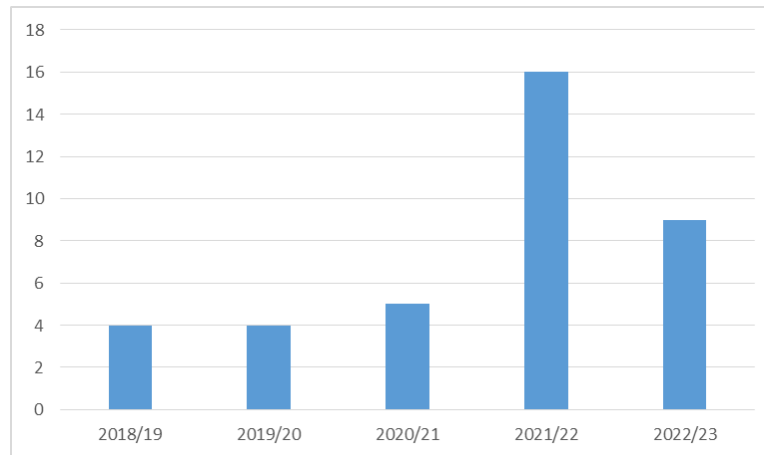
2.7 As expected, the overall number of standard and late TENs received continues to increase year-over-year as the nation emerges from the impact of the pandemic and the subsequent increase in activity. However, the Service expects that any return to pre-pandemic levels may take some years.



Source: Home Office

2.8 Data shows that the demand for TENs in Hackney remains disproportionately high, with the borough receiving the second highest number of TENs in London after Westminster according to figures released by the Home Office. Although it should be noted that LB Camden did not supply any figures.

Reviews of premises licence/club premises certificates

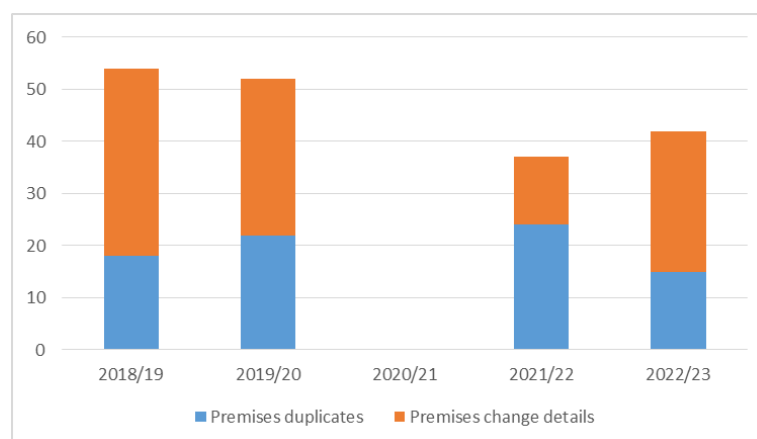


7. Review applications

- 2.8 The Service received 9 review applications in the year; less than the 16 received in the previous year however, still higher than any year in the previous 5. 4 of these were expedited review applications by the Metropolitan Police, where there were 9 of this type of review in the previous year.

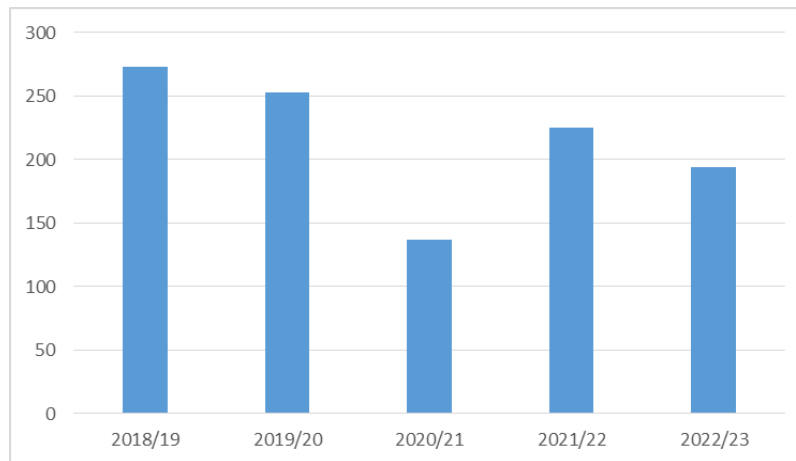
Premises Licences – Requests for Duplicates and Change of Details

- 2.9 The Service has experienced increased demand due to requests for duplicate documents. This is primarily a desktop administrative process involving the reprint of the two-part licence. Around half of the requests are for lost licences with changes to details, which include the licensee changing a registered address, accounting for the rest of the demand. It should be noted that the numbers of these received during 2020/21 could not be determined.



8. Change of details & duplicate premises licences

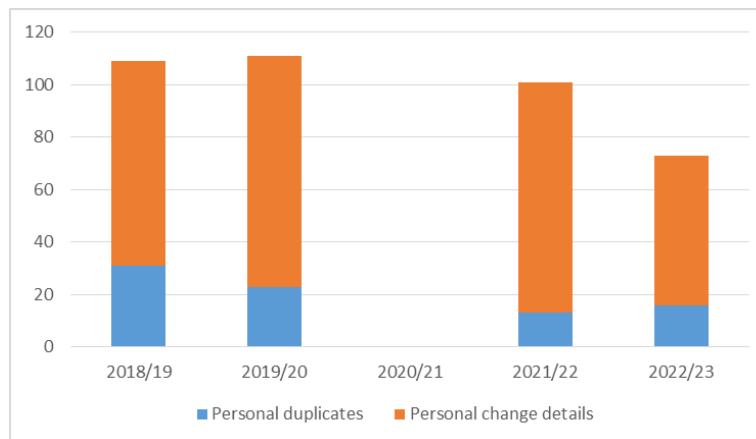
Personal licences



9. Personal licences issued

- 2.10 Grants of personal licences remained on trend continuing to decrease over time. Overall the Council has granted over 5000 personal licences since the commencement of the Licensing Act 2003.

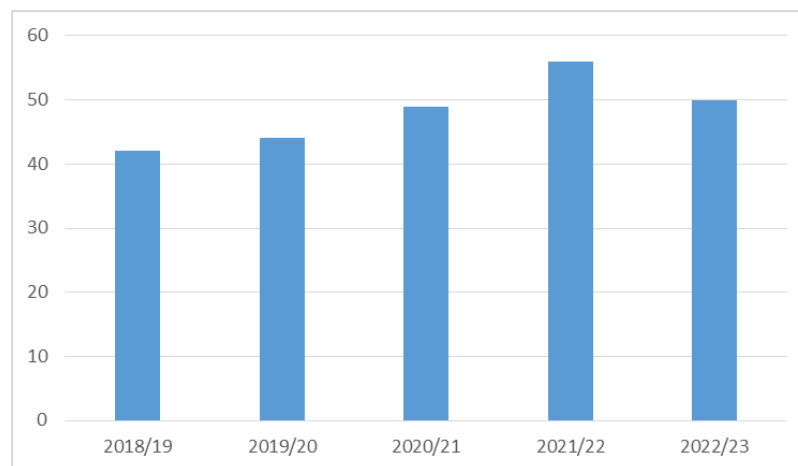
Personal licences – Requests for Duplicates and Change of Details



10. Personal licence duplicates and change of details

- 2.11 Similar to premises licences, the Service receives requests for personal licences to be reprinted following address or name changes or the documents being lost. This is a desktop administrative process with the number received falling when compared to the previous year.

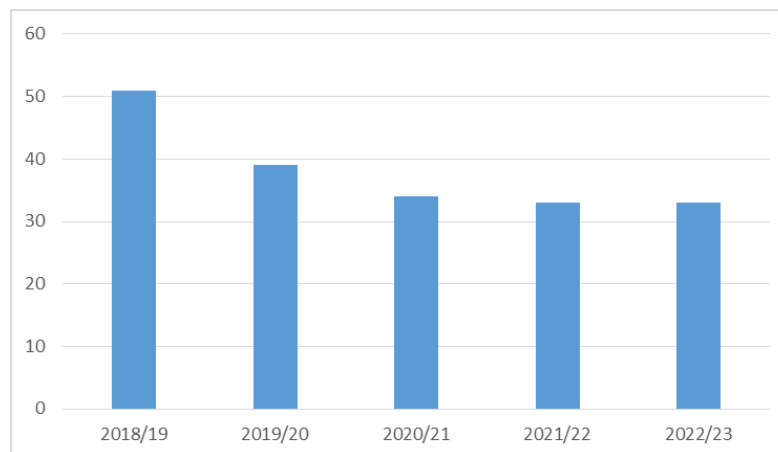
Licensing Sub-Committee hearings



11. Licensing Sub-Committee

- 2.12 The number of Licensing Sub-Committees were down slightly compared to the previous year and appears to be returning to sub-50 hearings per year. However, the number of hearings exceeded 50 for the first time since 2017/18 which reversed the trend that had been decreasing over the previous four years. The number of the additional hearings in 2021/22 that were attributable to expedited review applications and objections to temporary event notices were not required in 2022/23.

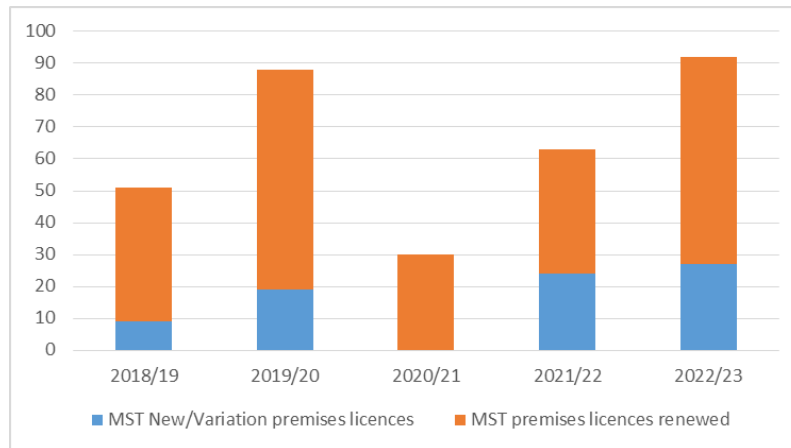
3. Gambling Act 2005



12. Betting (other than track) licences renewed.

- 3.1 The number of betting licences remained at 33 locations. This may suggest that the market has settled following the reduction of the maximum stake for B2 gaming machines and subsequent surrender of many premises licences.

4. Massage and Special Treatments (MST) Licences



16. Massage and Special Treatment licences

- 4.1 New and renewed MST premises licences appears to show a return to levels consistent with those pre-pandemic. The Service will continue to focus efforts on ensuring businesses carrying on this type of activity are appropriately licensed.

5. Look back / Projects

The table below sets out the projects planned by the Service last year.

Objectives	What we will do	Status
Cumulative Impact Assessment and review of the Statement of Licensing Policy	<ul style="list-style-type: none"> ● Assess the impact of the Statement of Licensing Policy since it came into effect on 1 August 2018 ● Sample decisions and levels of applications compared to previous period ● Collate data on impact of the licensed economy on the promotion of the licensing objectives 	<ul style="list-style-type: none"> ● Revised Statement of Licensing Policy published and effective from 1 August 2023 ● Cumulative Impact Assessment underway
Inspection regime	<ul style="list-style-type: none"> ● Re-introduce risk-based routine inspections of licensed/unlicensed premises which was put on hold following the Cross-Cutting restructure 	<ul style="list-style-type: none"> ● To be carried forward to 2023/24
Salesforce Implementation	<ul style="list-style-type: none"> ● Continue to implement Salesforce database working with implementation partner Arcus Global ● Automate many processes such as temporary event notices, food business registration, annual reminder letters while greatly reducing the manual administration and data entry carried out by officers. ● Greater use of mapping, integration with payment systems, text messaging, handheld devices 	<ul style="list-style-type: none"> ● Progressing towards “go live” during Q4 of 2023
Fees Review	<ul style="list-style-type: none"> ● Review fee levels of those activities where the fee can be set locally 	<ul style="list-style-type: none"> ● To be carried forward to 2023/24

6. Planned Activity for 2023/24

Objectives	What we will do	Purpose
Hackney Nights Strategy	<ul style="list-style-type: none"> Input into the development of a Hackney Nights Strategy 	<ul style="list-style-type: none"> To provide clarity to residents and businesses on our approach including supporting growth while tackling antisocial behaviour and crime in partnership with the police.
Salesforce Implementation	<ul style="list-style-type: none"> Continue to implement Salesforce database working with implementation partner Arcus Global Automate many processes such as temporary event notices, food business registration, annual reminder letters while greatly reducing the manual administration and data entry carried out by officers. Greater use of mapping, integration with payment systems, text messaging, handheld devices 	<ul style="list-style-type: none"> To provide a step change in how the service carries out its operations To make significant efficiency savings To promote customer channel shift, moving from paper based to digital To enable more cloud based working, automation To further support intelligence led decision making
Inspection regime	<ul style="list-style-type: none"> Re-introduce risk-based routine inspections of licensed/unlicensed premises which was put on hold following the Cross-Cutting restructure 	<ul style="list-style-type: none"> To ensure appropriate promotion of all licensing aims and objectives across all forms of legislation. To enable the Service to promote a more proactive rather than reactive approach to licensing.
Fees Review	<ul style="list-style-type: none"> Review fee levels of those activities where the fee can be set locally 	<ul style="list-style-type: none"> To align with good practice and as recommended by the Local Government Association Ensure fees reflect macroeconomic and inflationary pressures

Much of progress on the above work is likely to be affected by the ongoing impact of the coronavirus pandemic along with the challenges with ICT systems.

APPENDIX

Licensing Service – Summary table

Activity	18/19	19/20	20/21	21/22	22/23
Number of valid premises licences under Licensing Act 2003 as of 31 March	1165	1149	N/A	1531	1533
New premises licences granted	107	82	79	92	66
Variation of existing premises licence granted	35	41	31	N/A	27
Minor variation premises licences issued	54	31	42	44	33
Transfers of premises licences processed	103	99	77	81	83
Variations of licence to specify individual as DPS processed	187	202	157	215	204
Standard TENs	1398	1530	158	928	1188
Late TENs	709	675	95	499	533
Reviews of premises licences received	4	4	5	16	9
Premises licences – Duplicates following theft/loss	18	22	N/A	16	15
Premises licences – Changes of details	36	30	N/A	24	27
New personal licences issued	273	253	137	225	194
Personal licence – duplicates following theft/loss	31	22	N/A	13	16
Personal licence – change of details	78	30	N/A	88	57
Premises licences revoked	2	1	1	9	1
Premises licences surrendered	26	17	N/A	9	24
Licensing Sub-committee hearings	42	44	49	56	50
Appeals completed	6	3	0	6	7
Sex Establishment premises licences renewed	4	4	3	2	2

Activity	18/19	19/20	20/21	21/22	22/23
Betting shop premises licences renewed	51	39	34	33	33
Bingo premises licences	0	0	2	2	2
Adult Gaming Centres	2	2	3	3	3
Gambling premises licences issued	0	1	2	0	0
Lotteries registered	5	18	14	8	8
Notification of gaming permits issued	8	1	14	2	1
MST New/variation premises licences	9	19	N/A	24	27
MST Premises licences renewed	42	69	N/A	39	65
Transfer of MST premises licences	1	2	2	2	0
MST Practitioner registration	87	200	53	155	190
MST Exempt Practitioner registration	N/A	17	N/A	27	11
Explosives registration	8	8	N/A	9	8

Review applications

2022/23	Postcode	Applicant	Type	Determined	Outcome
1	EC1V	Metropolitan Police	Expedited Review	29/09/2022	Conditions modified
2	N1	Other Person	Review	24/01/2023	Conditions modified
3	EC2A	Metropolitan Police	Expedited Review	12/01/2023	Conditions modified
4	EC2A	Metropolitan Police	Expedited Review	12/01/2023	Conditions modified
5	N16	Trading Standards	Review	N/A	Withdrawn
6	EC2A	Metropolitan Police	Review	13/07/2023	Licence revoked
7	EC2A	Metropolitan Police	Expedited Review	18/04/2023	Conditions modified
8	E9	Licensing Authority	Review	08/06/2023	Conditions modified
9	EC2A	Environmental Protection	Review	03/07/2023	N/A

2021/22	Postcode	Applicant	Type	Determined	Outcome
1	E8 2NS	Metropolitan Police	Expedited Review	08/06/2021	Licence revoked
2	E8 4PH	Licensing Authority	Review	22/03/2022	Licence revoked
3	E2 8ET	Licensing Authority	Review	09/12/2021	Licence revoked
4	E8 4AH	Metropolitan Police	Expedited Review	11/11/2021	Conditions modified
5	E8 3RH	Metropolitan Police	Review	11/11/2021	Licence revoked
6	E8 3RH	Metropolitan Police	Review	11/11/2021	Licence revoked
7	E8 3RH	Metropolitan Police	Review	11/11/2021	Licence revoked
8	E8 3RH	Metropolitan Police	Expedited Review	11/11/2021	Licence revoked
9	E8 3RH	Metropolitan Police	Expedited Review	11/11/2021	Licence revoked
10	E8 3RH	Metropolitan Police	Expedited Review	11/11/2021	Licence revoked
11	N16 7XJ	Metropolitan Police	Review	16/12/2021	Licence revoked
12	EC2A 3AY	Metropolitan Police	Review	14/12/2021	Licence revoked
13	N16 8BH	Metropolitan Police	Expedited Review	16/12/2021	Conditions modified
14	E5 8PA	Environmental Protection	Review	01/03/2022	Conditions modified, exemption removed
15	E8 4AA	Metropolitan Police	Expedited Review	18/01/2022	Conditions modified
16	EC1V 9LE	Metropolitan Police	Review	03/03/2022	Licence revoked
17	EC1V 9LE	Metropolitan Police	Review	N/A	Licence surrendered
18	EC2A 2BS	Metropolitan Police	Expedited Review	N/A	Licence surrendered
19	E2 7NX	Metropolitan Police	Expedited Review	12/04/2021 2	No action taken

2020/21	Postcode	Applicant	Type	Determined	Outcome
1	E8	Environmental Protection	Review	04/04/2019	Licence revoked
2	EC1V	Metropolitan Police	Review	27/06/2019	Conditions modified
3	N1	Licensing Authority	Review	03/09/2019	Conditions modified

4	E2	Metropolitan Police	Review	05/02/2020	Conditions modified
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2019/20	Postcode	Applicant	Type	Determined	Outcome
1	E8	Environmental Protection	Review	04/04/2019	Licence revoked
2	EC1V	Metropolitan Police	Review	27/06/2019	Conditions modified
3	N1	Licensing Authority	Review	03/09/2019	Conditions modified
4	E2	Metropolitan Police	Review	05/02/2020	Conditions modified

2018/19	Postcode	Applicant	Type	Determined	Outcome
1	E8	Trading Standards	Review	07/08/2018	Licence suspended, conditions modified
2	N1	Licensing Authority	Review	13/09/2018	Licence revoked
3	E8	Metropolitan Police	Review	30/01/2019	Licence revoked
4	E2	Metropolitan Police	Review	05/02/2019	Licence suspended



Title of Report	Cumulative Impact Options
For Consideration By	Licensing Committee
Meeting Date	10 January 2024
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt, Group Director Climate Homes and Economy

1. Summary

- 1.1 This report provides the Licensing Committee with relevant information regarding the Licensing Act 2003 (“the Act”) and options in relation to the approach to be taken to cumulative impact following the consideration of the Cumulative Impact Research Report by the Licensing Committee on 14 November 2023.

2. Recommendation(s)

- 2.1 That the Licensing Committee consider the options for each of the five areas that were assessed as part of the Cumulative Impact research, namely the:
- Area within the boundary formerly identified as the Shoreditch Special Policy Area.
 - Area within the boundary formerly identified as the Dalston Special Policy Area.
 - Broadway Market and London Fields area of interest.
 - Hackney Central area of interest.
 - Hackney Wick area of interest.
- 2.2 That the Licensing Committee note the proposed timetable for publication and consultation of any Cumulative Impact Assessment.

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, 2018 and 2023. The current iteration of the Policy became effective in August 2023. It should be noted that each previous version of the Policy has defined an area of Shoreditch as an SPA.
- 3.5 The Government’s Modern Crime Prevention Strategy (March 2016) included a range of measures to prevent alcohol-related crime and disorder. One of these was to put Cumulative Impact Policies (CIPs) referred to locally as SPA's “on a statutory footing, 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 about how they can be used”
- 3.6 The changes to the process for introducing a CIP or SPA became effective in 2018.

Cumulative Impact Assessment

- 3.7 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.
- 3.8 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.

- 3.9 For the purposes of the consultation, the licensing authority must provide the persons prescribed in the Act 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.

4. Cumulative Impact Research

- 4.1 Six Till Six Ltd in conjunction with Make Associates were commissioned to carry out the review of cumulative impact in the borough. The consultants would study the two previous Special Policy Areas (SPAs) in Dalston and Shoreditch along with three further 'areas of interest'; namely Broadway Market & London Fields, Hackney Central and Hackney Wick.
- 4.2 The review was conducted using a varied methodology including crime mapping, analysis of CCTV, ambulance, noise and licensed premises data, fieldwork and stakeholder interviews over a 6 month period.

Findings of the Cumulative Impact Research Report

- 4.3 Six Till Six Ltd / Make Associates have produced a detailed report of their research findings. The detailed report is appended to this document, however notable high-level findings are:
- Shoreditch remains Hackney's most significant hotspot for recorded crime, London Ambulance Service (LAS) callouts, as well as for the issuing of fixed penalty notices (FPNs) and for logged CCTV incidents.
 - Dalston generally has around half or less of Shoreditch's incident counts. Where these do occur they are mostly in the central part of the previous Dalston SPA. The northern and southern stretches of the previous Dalston SPA often saw fewer incidents than many other non night-time economy areas of the borough.
 - Hackney Central, Hackney Wick, and Broadway Market/London Fields exhibit varying levels of crime, LAS, CCTV and noise incidents, but with significantly lower numbers compared to Shoreditch and, to a lesser extent, Dalston.
 - The distribution of incidents differs between day and night, with the pandemic impacting these trends. Shoreditch stands out as it is the only

location where the majority of all recorded crime and other indicators take place at night.

- The evidence shows that there has been a very significant post-pandemic improvement in crime rates within the previous Shoreditch and Dalston SPA areas, as there has been across most of the other areas analysed. This post-pandemic improvement is also seen in significant reductions in LAS alcohol-related callouts to these areas.

5. Proposed Timetable

5.1 Should the Licensing Committee determine that further works is warranted, the following timetable is proposed:

- 14 December - Licensing Committee are presented with options paper setting out next steps
- January to March 2024 - Consultation held
- 25 March 2024 - Licensing Committee considers consultation feedback and makes a recommendation to Full Council
- July 2024 - Full Council

6. Comments of the Interim Group Director Finance

6.1 This report informs Members of the Cumulative Impact Research Report and any subsequent Cumulative Impact Assessment (CIA). 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.

7. Comments of the Acting Director of Legal, Democratic and Electoral Services

7.1 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.

7.2 A cumulative impact assessment must set out the evidence for the authority's opinion as set out in the assessment.

7.3 For the purposes of this section, “relevant authorisations” means—
(a) premises licences;

- (b) club premises certificates.
- 7.4 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).
- 7.5 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.
- 7.6 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.
- 7.7 Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- 7.8 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.
- 7.9 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.
- 7.10 A licensing authority must publish any revision of a cumulative impact assessment.
- 7.11 This report is for informative purposes to provide the Licensing Committee with relevant information on the findings contained within the Cumulative Impact Research Report in order to inform a discussion on whether a Cumulative Impact options paper should be prepared for the Licensing Committee to consider on 14 December 2023. There are no further legal implications arising from this report.

Appendices

Appendix 1 - Cumulative Impact Research Report

Exempt

Not applicable.

Background Papers

None

Report Author	David Tuitt Business Regulation Team Leader - Licensing & Technical Support david.tuitt@hackney.gov.uk Tel: 020 8356 8974
Comments for the Interim Group Director of Finance prepared by	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments for the Acting Director of Legal, Democratic and Electoral Services prepared by	Josephine Sterakides, Senior Lawyer, Litigation and Public Realm josephine.sterakides@hackney.gov.uk 020 8356 2775

Cumulative Impact - Options for the Licensing Committee

1. This document has been prepared to set out the options available to Licensing Committee members ahead of carrying out a consultation deciding whether to publish a Cumulative Impact Assessment (CIA).

2. This follows the Licensing Committee held on 14 November 2023 where members were presented with the Cumulative Impact Research Report and heard from the consultants that prepared it. Findings from the research carried out in the following areas of the Borough were discussed:

- The area within the boundary formerly identified as the Shoreditch Special Policy Area.
- The area within the boundary formerly identified as the Dalston Special Policy Area.
- Broadway Market and London Fields area of interest.
- Hackney Central area of interest.
- Hackney Wick area of interest.

3. The areas of Broadway Market and London Fields, Hackney Central and Hackney Wick were found to be exhibiting varying levels of crime, London Ambulance Service (LAS) call outs, CCTV and noise incidents. However, the correlation between these negative impacts and licensed premises in those areas are not as pronounced.

4. As such, these areas are not considered to be suffering from negative cumulative impact to the level that any intervention is required. Therefore, only the Shoreditch and Dalston areas are being considered for the need to publish one or more cumulative impact assessments.

5. This document has been produced to assist the Licensing Committee to determine whether there are relevant problems and where those problems are occurring, which justify the publication of a CIA.

6. Before publishing a CIA, an authority must consult. This consultation must set out the following:

- (a) the reasons why the authority is considering publishing a cumulative impact assessment,
- (b) a general indication of the part or parts of the area which it is considering describing in the assessment.
- (c) whether the area considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

7. A licensing authority must review a CIA within three years to establish if there continues to be evidence to justify the retention of a CIA. Following a consultation, the authority must publish a statement on whether it remains, or no longer remains, of the opinion set out in the CIA.

Cumulative impact assessments – general principles

8. Section 5A of the Licensing Act 2003 (the 2003 Act) allows a licensing authority to publish a CIA if it considers that the number of premises licences and club premises certificates in a defined area is such that it is likely that granting further relevant authorisations would be inconsistent with its duty to promote the four licensing objectives.

9. A CIA is a discretionary means by which a licensing authority may control the number of new licensed premises within a defined geographical area and restrict the alteration of existing premises within the CIA area. It is not a measure that will address relevant issues from existing licensed premises. Those issues would need to be dealt with using other powers, such as an application to review an individual premises licence.

10. A CIA may relate to all relevant authorisations or only to relevant authorisations of a particular kind, as described in the assessment. As such, it could include all licensed premises or it may only include off-licences, or only the on-trade or specific descriptions of on-licensed premises (for example, nightclubs).

11. As noted in the guidance issued under Section 182 of the 2003 Act (the S182 Guidance), there must be an evidential basis to publish a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA.

12. The evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions.

13. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA.

14. A CIA does not change the fundamental way that licensing decisions are made. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

15. The CIA must stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it

appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

16. Notwithstanding receipt of any representations, it is possible for the licensing authority to grant an application relating to premises in a cumulative impact policy area where it considers it is appropriate and where the applicant can demonstrate that they would not be adding to the cumulative impact.

17. A licensing authority must review a CIA within three years to establish if there continues to be evidence to justify the retention of a CIA. Following a consultation, the authority must publish a statement on whether it remains, or no longer remains, of the opinion set out in the CIA.

Cumulative impact assessments - objectives

18. A Home Office Impact Assessment (November 2016) on giving CIAs a statutory basis said “it will place a greater onus on licensing authorities (LAs) to ensure that the evidence they use as the basis of their CIAs is robust. In particular, we would like to increase the transparency of the process that LAs go through when deciding to retain existing CIPs and ensure that when a decision is taken by an LA to implement or retain a CIA it is based on up to date evidence and is appropriate and proportionate for the promotion of the licensing objectives”.

Options for the Licensing Committee

A. Options for Shoreditch

Area	Options
An area within, beyond or which is identical to the boundary formerly identified as the Shoreditch Special Policy Area	A CIA to apply to all relevant authorisations within a defined geographical area
	A CIA to apply only to relevant authorisations of a particular kind within a defined geographical area
	No CIA to apply

B. Options for Dalston

Area	Options
An area within, beyond or which is identical to the boundary formerly identified as the Dalston Special Policy Area	A CIA to apply to all relevant authorisations within a defined geographical area
	A CIA to apply only to relevant authorisations of a particular kind within a defined geographical area
	No CIA to apply

19. For the purposes of a CIA in Hackney, “relevant authorisations” would mean any application for a new premises licence, club premises certificates or variations to existing premises licences or club premises certificates. “Relevant authorisations of a particular kind” would relate only to “Relevant authorisations” excluding genuine restaurants (i.e, those premises where alcohol is consumed as an ancillary to a table meal) seeking a new or varied premises licence with operating hours aligned with the Core Hours policy (LP3).