

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