

LONDON BOROUGH OF CAMDEN	WARDS: All
REPORT TITLE: Review of and Statutory Consultation on the Statement of Licensing Policy 2024 – 2029	
REPORT OF: Director of Public Safety	
FOR SUBMISSION TO: Licensing Committee	DATE: 25 th January 2024
<p>SUMMARY OF REPORT</p> <p>This report highlights the purpose of Camden’s Statement of Licensing Policy (the Policy) under the Licensing Act 2003 and the process followed to review and amend the current Policy.</p> <p>The report presents a draft Statement of Licensing Policy 2024 – 2029 at Appendix 1 and asks the Licensing Committee to consider and comment on the draft Policy and recommends that the Committee authorise a 12 week public consultation on the draft Policy.</p> <p>Local Government Act 1972 – Access to Information</p> <p>The following documents have been used in the preparation of this report:</p> <ol style="list-style-type: none"> 1. The Licensing Act 2003 2. Home Office Guidance issued under section 182 of the Licensing Act 2003 <p>Contact Officer: William Sasu, Public Protection Manager 5 Pancras Square London, N1C 4AG Tel: 020 7974 4733 william.sasu@camden.gov.uk</p>	
<p>RECOMMENDATIONS</p> <p>That the Licensing Committee:</p> <ol style="list-style-type: none"> i) Note and comment on the draft Statement of Licensing Policy 2024-2029 at Appendix 1; ii) Agree that the draft Policy undergo a public 12 week statutory consultation; and iii) Determine whether there is sufficient evidence of cumulative impact in the Camden Town and Seven Dials areas. iv) If it is determined that there is sufficient evidence of cumulative impact (a) issue a Cumulative Impact Assessment Statement (b) undergo a public 6-week consultation. 	

Signed: 

Date: 12th January 2024

1. Purpose of Report

- 1.1 The Council must determine and publish its Statement of Licensing Policy (the Policy) every five years, however during each five-year period, the Council must keep it under review and make revisions, as appropriate.
- 1.2 The Council intended, prior to the Covid-19 (the pandemic), to complete a full review of the Statement of Licensing Policy 2017 and undertake a detailed assessment of the boroughs Cumulative Impact Areas (CIAs) in Camden Town and Seven Dials. However, the pandemic had a significant impact on the Camden evening and night-time economy and the wider hospitality sector and, therefore, whilst useful data was obtained during this period, it was not possible to complete a full assessment of the CIAs.
- 1.3 In order to meet the requirement to determine the policy every five years, it was therefore proposed in 2021 that an Interim Statement of Licensing Policy be approved which retained the existing CIAs. This approach allowed the Council to maintain a degree of continuity and provide scope to complete a full assessment of the CIAs once the overall impact of the pandemic had been established. This Interim Statement of Licensing Policy came into effect in January 2022.
- 1.4 The Interim Statement of Licensing Policy has now been fully reviewed and a Cumulative Impact Assessment report undertaken.
- 1.5 This report sets out the results of the policy review and Cumulative Impact Assessment report.

2. Background

- 2.1 The Council is required to publish a Statement of Licensing Policy under the Licensing Act 2003, setting out its approach to how it will regulate licensable activities. This helps maintain consistency, builds public confidence, and assists in meeting the Council's key strategic objectives. The key purpose of this statement is to guide the licensing decisions made by the local authority when considering license applications. It provides a framework for promoting the licensing objectives set out in the Act, which include:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

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- 2.2 The draft policy attached to this report seeks to balance the right to make an application for a premises licence against the right to object to an application or to seek a review of an existing licence. A balanced policy facilitates the growth of businesses while ensuring public confidence by encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. This approach aligns with the Council's overarching strategic goals, fostering a supportive environment for businesses while safeguarding the safety and well-being of residents, particularly within Camden's evening and night-time economy (ENTE).

3. Links to the Camden Plan and Camden's broader strategies

- 3.1 The draft Statement of Licensing Policy aims to align with the Council's broader strategies including the Evening and Night Time Economy Strategy (ENTE) to ensure a cohesive and integrated approach to governance. This alignment enhances the effectiveness of licensing policies, ensuring they contribute to the Council's broader vision and objectives, fostering a balanced and supportive environment for both businesses and the community.

- 3.2 The ENTE strategy aims to create a more inclusive and representative evening and night-time environment for everyone, including residents, workers, businesses, and visitors. The commitment involves treating everyone with care and respect, acknowledging social and economic challenges that hinder thriving at night. There is a dedication to inclusivity in opportunities, nurturing grassroots businesses and culture. Ultimately, the aim is to provide space for all communities to lead full and healthy lives both day and night.

The five themes which contribute to a vision for Camden in the evening and night-time:

- Inclusivity and working together
- Supporting the economy
- Liveability and wellbeing
- Culture
- Places at night

- 3.3 This draft Statement of Licensing policy will promote local businesses within the borough. By doing so, it seeks to improve job creation opportunities, contributing to a more vibrant local economy. The overarching goal is to foster sustainable economic growth, ensuring that the borough becomes an attractive hub for businesses to thrive. Through strategic licensing measures like the Licensing Charter, the policy endeavors to create an environment that not only supports the establishment and expansion of businesses but also nurtures a robust community where economic prosperity is shared and sustained over time.

- 3.4 By embedding principles and a commitment to advancing equality and inclusion, our aim is to enhance the overall quality and expand opportunities for

everyone residing in, working in, or visiting Camden. We strive to create an environment where diversity is celebrated, and every individual feels valued and included. This commitment has guided policy development to ensure that the benefits of our initiatives are accessible to all.

- 3.5 In drafting this policy, consideration has been given to the impact that licensed premises may have on the surrounding local communities and their residents. The draft policy endeavors to establish measures that mitigate any adverse impacts while fostering positive contributions from licensed premises. The draft policy aims to not only safeguard the interests and quality of life for residents but also recognises the valuable role that licensed premises can play in enhancing community vibrancy.

4. Summary of Key Changes

Officers have now completed a review and have prepared a draft Statement of Licensing Policy As a result of the review and in light of members input several significant modifications have been incorporated into the draft policy. Below outlines the key changes made to enhance the draft policy, addressing specific aspects and concerns identified through research and engagement with Responsible Authorities, local community groups and businesses, including the invaluable insights gathered from citizen assemblies conducted as an integral component of the ENTE strategy development:

Pre-application Advice Service (Chapter Four page 27)

- 4.1 The draft policy promotes the pre-application advice service, aimed at helping applicants gain a clearer understanding of local and policy considerations that are relevant to their application. This service offers several benefits:
- **Clarity on Requirements:** A pre-application advice service helps applicants understand the specific requirements and procedures involved in the licensing process. This clarity can prevent misunderstandings and errors in the formal application process.
 - **Tailored Guidance:** Applicants receive personalised guidance relevant to the characteristics and nature of their premises. This ensures that the application is aligned with the unique considerations of the business and the local area.
 - **Regulatory Compliance:** The service helps applicants navigate complex regulations, ensuring that the proposed activities and premises operations adhere to legal requirements.
 - **Issue Identification:** Potential issues or challenges that may arise during the licensing process can be identified and addressed early on. This proactive approach allows applicants to modify their applications.

- **Improved Applications:** With guidance from the pre-application advice service, applicants can submit a well-prepared and comprehensive application that addresses local concerns and legal requirements. This can enhance the quality of application and increase the likelihood of a smooth and timely determination.
- **Community Relations:** Discussing the proposed activities with the local community during the pre-application phase can help address any concerns or objections before the formal application is submitted. This can contribute to positive community relations.

Women's Safety (Chapter Four, page 29)

- 4.2 The Mayor of London published a Women's Night Safety Charter in July 2019 which sets out the need to take practical steps to make London safer at night for women. It is proposed that we adopt the ethos of this charter as an additional section to the draft policy.
- 4.3 The additional section encourages businesses to think about what measures they can implement on a day to day basis around women's safety - this pertains to not only customers and visitors to the venues, but also the staff working at licensed premises.

Alcohol Related Harm - drink spiking (Chapter Four, page 30 & Appendix 7)

- 4.4 In addition to women's safety, we have also identified the need to highlight issues around alcohol related harm. We have included help and advice material in the policy to further support Camden's licensed premises and protect the public.

Framework Hours (Chapter Five, pages 44-45)

- 4.5 The draft policy includes premises specific framework hours to promote diversity within the local business environment and the evening and night time economy whilst at the same time providing scope to mitigate against possible negative impacts to those who live and work in the borough.
- 4.6 The premises specific framework hours encourage innovation and adaptability within the business sector. By allowing businesses to operate within their unique contexts, premises specific framework hours can contribute to the development of a more dynamic and responsive business environment that benefits both the local economy and the community. It takes into account that certain establishments are more likely to impact the licensing objectives compared to others.
- 4.7 All License applications, irrespective of their location, submitted for hours beyond the Council's revised framework will receive increased scrutiny. Such applications are likely to prompt a representation from the Licensing Authority,

resulting in the referral of the application to the licensing panel for thorough review and determination.

Licensing Charter (Chapter Six, page 50 & Appendix 1)

- 4.7 The introduction of a licensing charter is a recognition scheme for businesses that demonstrate they consistently uphold exemplary standards and it will;
- acknowledge best practice measures that are likely to reduce crime and disorder and improve public safety associated with the supply of alcohol, the provision of entertainment or the sale of late night food
 - provide a benchmark for licence holders to demonstrate compliance with best practice requirements that are relevant to their businesses.

New Chapter – Licensing Principles and Best Practice Guide (Chapter Seven, pages 52-53)

- 4.8 This chapter sets out the expectations of the Licensing Authority on how licensed premises can positively contribute to the local community and implement measures to promote the licensing objectives.

Enforcement and Monitoring of Camden’s ENTE (Chapter 14, page 85-88)

- 4.9 The Licensing Authority understands that residents may have concerns about how licensed premises can impact on their daily lives. To address this, the draft policy introduces a collaborative enforcement strategy. This involves working closely with the police licensing unit, officers from Community Safety, Noise, and Licensing teams within a Licensing Tasking Group (LTG). This team will aim to tackle concerns related to licensing in Camden's Evening and Night-Time Economy (ENTE), ensuring a safer and more enjoyable environment for everyone.

The team will deliver:

- **Regular Inspections:** Conduct routine inspections of licensed premises to assess compliance with licensing conditions, and other relevant regulations.
- **Addressing Complaints:** Investigate and address complaints or concerns raised by local residents or stakeholders regarding issues such as noise disturbances, public safety, or breach of licensing conditions.
- **Enforcement of Regulations:** Take appropriate enforcement actions, such as issuing warnings, review licenses to address any breaches of licensing regulations or conditions.
- **Collaboration with Authorities:** Work in collaboration with neighbouring local authorities, law enforcement agencies, and other relevant stakeholders

to address broader issues related to public safety, public health, and community well-being in Camden's ENTE.

- **Educational Initiatives:** Offer educational programs and resources to licensed premises to promote a better understanding of licensing requirements, responsible alcohol service, women safety and compliance with regulations.
- **Monitoring and Compliance:** Establish a robust monitoring system to ensure that licensed premises continue to meet the necessary standards and adhere to the terms of their licenses.

4.10 It is envisaged that these additional enforcement measures will be appropriate to address concerns that residents and other stakeholders may have in relation to the impact of licensed premises in the ENTE.

5. Cumulative Impact Policy Assessment

5.1 In 2018, amendments were made to the statutory legislation to formally incorporate Cumulative Impact Policies (CIPs) and requiring completion of Cumulative Impact Assessments. Camden currently has a cumulative impact policy which designates two cumulative impact areas (CIAs) in the borough. It is therefore necessary to conduct a Cumulative Impact Assessment to provide evidence for the existence of CIAs in the Statement of Licensing Policy.

The Statutory S182 Guidance states at Paragraph 14.38

“As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular, concerning relevant evidence and consultation).”

5.2 Camden had two cumulative impact areas (CIAs) in Camden Town and Seven Dials. The CIAs provided a rebuttable presumption to refuse any new licence applications, or any variations to premises licences within these areas and was a tool which many local authorities used to protect areas deemed to be saturated with licensed venues.

5.3 The legislation was amended in 2018 stating that to formally include CIAs in a policy a Cumulative Impact Area Assessment must be completed to establish the evidence base to support the inclusion of such areas. Camden has not

carried out a cumulative impact assessment since 2018 and these areas have been removed from the draft policy to comply with the statutory requirements.

Six-Till-Six Cumulative Impact Assessment Report.

- 5.4 Six-Till-Six and MAKE Associates are leaders in research and expert consultants in licensing, planning, place management and the Evening Night Time Strategy. They have worked collaboratively on a number of major projects across London including a major piece on Licensing, regulation and night time economy recovery for the Mayor of London, GLA and London Councils. The consultants have undertaken or acted as advisors on more than 10 cumulative Impact assessments in London, including Bromley, Merton, Richmond, Westminster, Hounslow and Hammersmith & Fulham.
- 5.5 Six-Till-Six Ltd and MAKE Associates were commissioned to assess the existing cumulative impact areas in Camden. As part of the cumulative impact assessment review, Six-Till-Six were asked to produce a report that would assist the Licensing Committee to determine whether it is appropriate to publish a cumulative impact assessment in one or more areas of the borough. The review included an assessment of relevant data, observational studies and interviews with stakeholders. The report can be viewed at Appendix 2.
- 5.6 The report concludes that excluding theft, Camden Town witnessed a decrease in offences by 9.1%, and Seven Dials experienced a reduction of 3.3%, contributing to an overall 3.3% decrease in offences across the Camden borough in 2022/2023 compared with 2019/2022.
- 5.7 The Six-Till-Six review and analysis of data confirms a correlation between late night venues and alcohol related ambulance call-outs but also suggests that the number of alcohol-related ambulance callouts are not high and there has been a significant and consistent fall in Camden in 2022 compared with 2019
- 5.8 The report suggests that overall, the number of incidents recorded by CCTV that could be reasonably linked to the licensed / NTE economy is low in Camden. There was some clustering of CCTV recorded incidents in Camden Town that was low and mostly concentrated around Inverness Street. There is very little CCTV evidence suggesting problems in Seven Dials. Estimated incidents were all outside of the core Seven Dials area (around New Oxford Street, Holborn / Kingsway and Bloomsbury).
- 5.9 With regard to noise and public nuisance, there were seven licensed premises locations with more than ten commercial noise complaints in the study period, but none in close proximity to each other, so this data does not present any evidence of cumulative impact from noise produced by licensed premises.
- 5.10 The review found that by minimising the regulatory burden on businesses, the local authority could encourage innovation, diversification and support responsible premises. The report further recommends careful consideration of how the policy impacts on potential diversification and its effects on different

business types that would bring a more diverse offer into the borough and look to remove any obvious barriers or build in flexibility.

- 5.11 The report provided by Six-Till-Six suggests that the issues raised by residents could be better addressed by alternative approaches. Such measures include a best practice guide alongside a Licensing Charter incorporated within the policy. The report further suggests the promotion of diversity and investment in the Evening and Night Time Economy by recognising and incentivising good practice.
- 5.12 The conclusions and recommendations of the report are detailed in **Appendix 2**, specifically in Section 4.7, paragraphs 4.32 to 4.53.
- 5.13 Having regard to the findings of the Six-Till-Six report, together with historic and recent evidence base of the CIPs in the current interim Policy and Members own local knowledge, Members are asked to form a view on whether there is sufficient evidence of cumulative impact in the Camden Town and Seven Dials areas to have a cumulative impact policy.

Members are also referred to the Next steps below in **Section 6** of this report below.

6. Next Steps

- 6.1 If Members form a view that there is sufficient evidence of cumulative Impact to require a cumulative impact policy, they may opt to issue a Cumulative Impact Assessment Statement setting out their view. If Member consider there is sufficient evidence of cumulative impact they must consult on this before it is included in the policy. The Cumulative Impact Assessment will be subject to a separate public consultation for a period of 6 weeks. This consultation will run alongside the draft policy consultation and a report detailing the results will come back to Licensing Committee at the end of the consultation period.
- 6.2 The draft policy will be subject to a 12 week statutory consultation. The consultation will be made available on the Council's website and a notice published in the Camden New Journal.
- 6.3 As part of the statutory consultation officers will liaise with the participation and inclusive economy teams to conduct pro-active engagement exercises to widen the scope of the consultation to illicit views from key stakeholders and local community groups on the draft policy.
- 6.4 Following both consultations, a further report will be presented to the Licensing Committee for consideration setting out the key findings and recommendations derived from the responses and concerns raised during the consultation period, in relation to the Draft Statement of Licensing Policy under the Licensing Act 2003.

8. Finance Comments of the Executive Director Corporate Services

- 8.1 There are no material financial implications concerning this report. The Director of Finance has been consulted in the preparation of this report and has no further comments to add.

9. Legal Comments of the Borough Solicitor

- 9.1 The Borough Solicitor has been consulted and legal comments have been incorporated in this report.

- 9.2 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- a) the chief officer of police for the area
- b) the fire and rescue authority for the area
- c) each local authority's Director of Public Health in England or Local Health Board in Wales for an area any part of which is in the licensing authority's area
- d) persons/bodies representative of local premises licence holders
- e) persons/bodies representative of local club premises certificate holders
- f) persons/bodies representative of local personal licence holders and
- g) persons/bodies representative of businesses and residents in its area

- 9.3 The views of all these persons or bodies should be given appropriate weight when the policy is determined.

- 9.4 The Policy is a non-statutory licensing policy. It provides a set of presumptions and guidelines for the determination of individual cases, but each case will still be decided on its merits.

- 9.5 However it is considered helpful to have a policy to promote certainty amongst local residents and businesses and consistency of decision making.

- 9.6 Before it approves and adopts its Policy, the views of all those who have responded to the consultations should be given appropriate weight when the policy is determined.

- 9.7 When formulating policy local authorities must have regard to the **Equality Act 2010**. The Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing powers.

10. The section 149 Public Sector Equality Duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) Tackle prejudice, and
 - (b) Promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

10.1 In determining any policy, the Council must comply with the public sector equality duty in s.149 of the 2010 Act. This is a duty to have regard to the need to achieve the statutory goals of s.149, rather than to achieve a particular result. The s149 duty sits alongside and does not override statutory requirements in relation to determining this policy.

10.2 When Members have before them material on issues relevant to s149, such material must be specifically assessed in the context of s149. However, because s149 creates a requirement to “have regard” the fact a matter raised is relevant to s149 will not automatically translate into a reason for refusing an application that would be sustainable in any subsequent appeal, given the legal requirement to determine applications in compliance with legislation.

11. Environmental Implications

There are no environmental implications arising from the report.

12. Appendices

Appendix 1 – Proposed Draft Statement of Licensing Policy

Appendix 2 – Six-Till-Six Cumulative Impact Assessment Report

Appendix 3 – Licensing Charter

Appendix 3 – Equalities Impact Assessment

REPORT ENDS