

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS:</b> All
<b>REPORT TITLE:</b> Review of the Statement of Licensing Policy	
<b>REPORT OF:</b> Director of Public Safety	
<b>FOR SUBMISSION TO:</b> Licensing Committee	<b>DATE:</b> 19 November 2024
<p><b>SUMMARY OF REPORT</b></p> <p>This report details Camden’s Statement of Licensing Policy 2024-2029 (the draft Policy) under the Licensing Act 2003 and the measures taken to review and amend the Policy.</p> <p>The Licensing Committee is asked to consider and comment on the new draft Statement of Licensing Policy 2024-2029 at <b>Appendix 1</b> and agree a 12-week public consultation on the draft Policy. The Committee is also asked to consider the evidence of cumulative impact and determine whether there is sufficient evidence to warrant a cumulative impact policy.</p> <p><b>Local Government Act 1972 – Access to Information</b> The following documents have been used in the preparation of this report:</p> <ol style="list-style-type: none"> <li>1. <u>The Licensing Act 2003</u></li> <li>2. <u>Home Office Guidance issued under section 182 of the Licensing Act 2003</u></li> </ol> <p><b>Contact Officer:</b> William Sasu, Public Protection Manager 5 Pancras Square London, N1C 4AG Tel: 020 7974 4733 william.sasu@camden.gov.uk</p>	
<p><b>RECOMMENDATIONS</b></p> <p>That the Licensing Committee:</p> <ol style="list-style-type: none"> <li>i) Note and comment on the draft Statement of Licensing Policy 2024-2029 at <b>Appendix 1</b>;</li> <li>ii) Agree a 12-week public consultation on the draft Policy;</li> <li>iii) Determine whether there is sufficient evidence of cumulative impact in the Camden Town and Seven Dials areas to require a cumulative impact policy; and</li> <li>iv) If it is determined that there is sufficient evidence of cumulative impact to require a cumulative impact policy to: <ol style="list-style-type: none"> <li>a) issue a Cumulative Impact Assessment Statement,</li> <li>b) approve a 6-week public consultation on the Cumulative Impact Assessment Statement</li> </ol> </li> </ol>	

- v) Delegate authority to draft the Cumulative Impact Assessment Statement to the Director of Public Safety, following consultation with the Chair.

Signed: 

Jamie Akinola, Director of Public Safety

Date: 7 November 2024

## 1. Purpose

- 1.1. A Statement of Licensing Policy (the Policy) must be determined and published by the Council every five years, however during each five-year period the Council must keep it under review and make revisions that it considers appropriate.
- 1.2. Since the introduction of the Interim Statement of Licensing Policy in 2022, a full review of the Policy has been undertaken. The review has included proposed changes to the Policy and a Cumulative Impact Assessment report of the existing cumulative impact policy areas in the borough.
- 1.3. This report sets out the results of the Policy review and Cumulative Impact Assessment report.

## 2. Background

- 2.1. A Statement of Licensing Policy sets out how the Council will regulate licensable activities. This helps maintain consistency, build public confidence, and assist the Council to meet its key strategic objectives. A Policy also assists licensing decisions made by the Council when considering licence applications and seeks to promote the following licensing objectives set out in the Licensing Act 2003:
  - The Prevention of Crime and Disorder.
  - Public Safety.
  - The Prevention of Public Nuisance.
  - The Protection of Children from Harm.
- 2.2. The draft Policy at **Appendix 1** to this report seeks to give parity between the right to apply for a premises licence against the right to object to an application or to seek a review of an existing licence.
- 2.3. A balanced Policy facilitates the growth of businesses while encouraging greater community participation and confidence in licensing decisions and giving local residents the opportunity to voice their views on licensing decisions that affect them.
- 2.4. The approach outlined above aligns with the Council's 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. Camden Evening & Night-time Economy Strategy

- 3.1. The draft Policy aligns with the strategic aspirations outlined within the Camden Evening Night-time Economy Strategy, which was agreed in February 2024 came into effect on 8<sup>th</sup> of March 2024. The Strategy was

developed via extensive community engagement, including a 3-session Citizens' Assembly held in February and March 2023. The Citizens' Assembly allowed the complex mix of opportunities and challenges around Camden's evening and night-time to be considered by a broadly representative group of citizens, via a process focused on presenting balanced information and achieving consensus decision-making.

- 3.2. The strategy outlines the challenge of “supporting and growing what makes Camden a great place to visit, but also better managing our places and public realm between 6pm and 6am to ensure they are welcoming, inclusive and safe for everyone on a night out in Camden”.
- 3.3. The Strategy also outlines the need for Camden licensing policies to be “more flexible in approach and rigorous in setting and holding licensees to high standards”. The five themes of the strategy, which contribute to a vision for Camden in the evening and night-time are:
  - Inclusivity and working together.
  - Supporting the economy.
  - Liveability and wellbeing.
  - Culture.
  - Places at night.
- 3.4. The draft Policy aligns with the Council's strategic ambition to make Camden a welcoming, safe and inclusive place to spend time in the evening and night-time.
- 3.5. In drafting this Policy, consideration has been given to the impact that licensed premises may have on local communities and residents. The draft Policy establishes measures that mitigate adverse impacts whilst promoting the importance of pre-application engagement with local communities in order to enhance the quality of applications and encourage constructive engagement between all parties both prior to and at licensing panel hearings.
- 3.6. The revised draft Policy reflects the need to recognise the challenges faced by music and cultural venues, particularly at the grassroots level; whilst also seeking to foster greater levels of resident/community participation in the Camden licensing process.

#### **4. Summary of Key Changes**

- 4.1. Significant changes have been made to the draft Policy. The changes have been influenced by dialogue with residents/community groups, evening and night-time economy stakeholders and the relevant Responsible Authorities.
- 4.2. A summary of these changes are detailed below. A schedule of all changes to the draft Policy are listed at **Appendix 3**.

### **Pre-application Advice Service (Chapter Four, page 27)**

- 4.3. The focus on pre-application engagement with both local communities and Responsible Authorities seeks to enhance the licensing process by:
- Providing local residents with greater clarity on licence applications, including the activities and times applied for.
  - Supporting the development of good quality applications.
  - Reducing the level of post application negotiation.
- 4.4. The draft Policy recognises that engagement with local communities forms an essential part of the Camden licensing process which encourages inclusiveness and participation.
- 4.5. Applicants will be encouraged to utilise the revised pre-application service, the benefits of which will include:
- **Applications:** Support for applicants to submit well-prepared and comprehensive applications, which reflect engagement with local residents and communities and promote the licensing objectives.
  - **Clarity:** Helping applicants to understand the specific requirements and procedures involved in the licensing process. This can prevent misunderstandings and errors in the formal application process.
  - **Compliance:** Support applicants to navigate complex regulations, ensuring that the proposed activities and premises operations adhere to legal requirements.
  - **Community:** Early engagement with the local community during the pre-application phase can identify concerns or issues before the application is submitted. This can contribute to positive community relations.
  - **Guidance:** Applicants receive personalised guidance relevant to the characteristics and nature of their premises as well as the local area.
  - **Identification:** Identifying potential issues or challenges that may arise during the licensing process allows applicants to modify their applications.

### **Women's Safety (Chapter Four, pages 29-30)**

- 4.6. The Mayor of London published a Women's Night Safety Charter in July 2019, setting out the need to take practical steps to make London safer at night for women. We have adopted the ethos of this charter within the draft Policy.
- 4.7. All women have the right to feel safe and we want to ensure that women visiting Camden's licensed premises and evening and night-time economy

are safe. Licensed premises are encouraged to implement measures to promote women’s safety. This relates to not only customers and visitors to the venues, but also staff working at licensed premises.

**Alcohol Related Harm - drink spiking (Chapter Four, page 30-32)**

- 4.8. Guidance has been included in the draft Policy to highlight alcohol related harm and issues relating to drink spiking. The draft policy identifies measures, which licensed premises can implement in order to promote a safe and responsible drinking environment.
- 4.9. There are a number of preventive measures included in the draft policy, which can significantly reduce the risk of drink spiking and create a safer and more enjoyable environment.

**Framework Hours (Chapter Five, pages 45-47)**

- 4.10. The draft Policy includes amended framework hours to promote diversity within the local business environment and the evening and night-time economy whilst providing scope to mitigate any possible negative impacts to those who live and work in the borough.
- 4.11. The framework hours encourage innovation and adaptability within the evening and night-time economy sector. By allowing businesses to operate within their unique contexts, framework hours can contribute to the development of a more dynamic and responsive business environment that benefits both the local economy and the community.
- 4.12. All licence applications, irrespective of their location, for hours beyond the Council's framework hours will receive increased scrutiny. Applications that do not adequately promote the statutory licensing objectives and/or highlight issues with regard to cumulative impact are likely to attract representations from the Licensing Authority or any of the relevant Responsible Authorities.
- 4.13. The table below outlines the proposed revised premises framework hours to be included within the draft Policy. The proposals reflect an intention to add 30 mins to the existing terminal hours.

Type of Licensable Activity	Framework Hours
For licences including the sale or supply of alcohol for consumption <b>on the premises</b> only:	Monday to Thursday 10:00 am until midnight Friday and Saturday 10:00 am until 00:30 am Sunday 11:00 am until 11:00 pm
For licences authorising the sale of alcohol for	Monday to Saturday 08:00 am until 11:30 pm Sunday 10:00 am until 11:00 pm

consumption off the premises:	
For licences not including the sale or supply of alcohol:	Monday to Thursday 09:00 am until midnight Friday and Saturday 09:00 am until 00:30 Sunday 09:00 am until 11:00 pm

4.14. The revised framework hours are intended to provide an increased level of flexibility for existing licensed venues and support an increase in the diversification of the Camden evening and night-time economy offer.

4.15. It should be noted that the changes do not mean that all venues operating within the existing framework hours will automatically be able to open later. Existing venues will need to submit variation applications for consideration in line with the statutory process.

**Licensing Principles and Best Practice Guide (Chapter Seven, pages 51-52)**

4.16. These principles and guidelines aim to provide applicants and licensees with guidance on how best to promote the four licensing objectives and outlines what the licensing authority and its responsible authority partners expect from applicants when completing their operating schedules and from licensees when operating their premises.

4.17. Some common examples of best practice for licensed premises include:

- **Responsible Alcohol Service:** Train staff to serve alcohol responsibly, including checking IDs to prevent underage drinking, recognizing signs of intoxication, and refusing service when necessary.
- **Security Measures:** Implement security measures such as CCTV cameras, security personnel, and entry/exit controls to maintain a safe environment for patrons and staff.
- **Staff Training:** Ensure that all employees receive proper training on alcohol awareness, customer service, and how to respond to various situations, including ensuring women’s safety and potential drink spiking incidents.
- **Drink Spiking Prevention:** Educate staff and patrons about the risks of drink spiking and how to prevent it, such as by not leaving drinks unattended and being vigilant about their surroundings.

**Enforcement and Monitoring of Camden’s ENTE (Chapter 14, page 76-78)**

4.18. The draft Policy includes a revised enforcement and monitoring chapter which outlines the regulatory approach to be established via the partnership protocol.

4.19. The protocol seeks to increase the level of collaboration between the relevant Responsible Authorities in line with the strategic commitment to better manage Camden's places and public realm between 6pm and 6am to ensure they are welcoming, inclusive and safe for everyone on a night out in Camden.

4.20. The primary aims of the Protocol are to:

- Co-ordinate a partnership focused response to area based evening and night-time economy related issues/challenges.
- Develop an intelligence-led approach towards tackling non-compliance at licensed venues.
- Promote the four licensing objectives.
- Support the licensing pre-application process.

4.21. The Responsible Authorities will focus particularly on the following when assessing new and varied licence applications (notwithstanding the statutory requirement for each application to be considered on a case-by-case basis):

- Applications for licensable activity beyond framework hours.
- Applications for off sales (off licences).
- Applications, which require increased scrutiny due to the potential for cumulative impact (borough-wide)
- Applications, which do not outline how the licensing objectives will be promoted.

### **Licence Conditions (Appendix 5, pages 91-112)**

4.22. The licence conditions have been revised and identify specific premises types and each separate licensing objective. The conditions are designed to guide applicants, residents and responsible authorities to consider suitable conditions that align with the premises type and promote the licencing objectives.

4.23. The list of licence conditions is not exhaustive, and parties may propose alternative conditions and, licensing sub-committees may impose any condition it considers appropriate to promote the licensing objectives.

4.24. This set of licence conditions is designed to help all parties maintain a consistent approach when suggesting conditions for a premises licence.

## **5. Cumulative Impact Policy Assessment**

5.1. Amendments made to the legislation in 2018, formally incorporated Cumulative Impact Policies (CIPs) into law and require each licensing authority to conduct a Cumulative Impact Assessment if they intend to introduce or maintain a CIP.

5.2. The 2022 Statement of Licensing Policy contains a cumulative impact policy,



which designates two cumulative impact areas (CIAs) in the borough. Therefore, when reviewing the Policy it is necessary to conduct a Cumulative Impact Assessment to provide evidence for the continued existence of CIAs in the draft Policy.

### **The Statutory S182 Guidance states at Paragraph 14.38**

- 5.3. *“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).”*
- 5.4. Camden Town and Seven Dials are currently the two cumulative impact areas (CIAs) in Camden. The CIAs provide a rebuttable presumption to refuse any new licence applications, or any variations to premises licences in these areas.
- 5.5. The 2018 statutory amendments stated that to formally adopt CIAs a Cumulative Impact Area Assessment must be completed to establish the evidence base to support the inclusion of such areas. To comply with the statutory requirement these CIAs have therefore been removed from the draft Policy.

### **Cumulative Impact Assessment**

- 5.6. Six-Till-Six Ltd in collaboration with MAKE Associates are both independent industry consultants using data, audits, partnership aspirations and community engagement 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 Policy in one or more areas of the borough.
- 5.7. The Cumulative Impact Assessment included an assessment of relevant data, observational studies and interviews with stakeholders. The Cumulative Impact Assessment is at **Appendix 2**.
- 5.8. The Cumulative Impact Assessment outlined 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.
- 5.9. The Assessment 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.

- 5.10. It is important to note that the Cumulative Impact Assessment highlights that the issues raised by residents could be better addressed by alternative approaches. Such measures include a best practice guide alongside a Licensing Charter to support and compliment the Policy. The Assessment further suggests the promotion of diversity and investment in the Evening and Night-time Economy by recognising and incentivising good practice.
- 5.11. The Cumulative Impact Assessment concluded that “on balance, there is insufficient compelling evidence to justify the publication of a CIA to promote any of the licensing objectives in any part of the borough of Camden”.
- 5.12. The conclusions and recommendations are included within the Cumulative Impact Assessment are detailed in **Appendix 2**.
- 5.13. Having regard to the findings of the Cumulative Impact Assessment, together with historic and recent evidence based on the CIPs and Members own local knowledge, Members are asked to determine whether there is sufficient evidence of cumulative impact in the Camden Town and Seven Dials areas to have a cumulative impact policy.

## **6. Next Steps**

- 6.1. If Members agree the draft Policy for consultation, it will be subject to a 12-week statutory consultation.
- 6.2. 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.
- 6.3. If Members form a view that there is sufficient evidence of cumulative impact to require a cumulative impact policy, they are recommended to issue a Cumulative Impact Assessment Statement setting out their view. Should Members form this view they are recommended to delegate authority to draw up the Cumulative Impact Assessment Statement to the Director of Public Safety following consultation with the Chair.
- 6.4. Where Members consider there is sufficient evidence of cumulative impact a public consultation must be carried out on the Cumulative Impact Assessment detailed at section 5 of this report, before a cumulative impact policy can be included in the Policy.
- 6.5. The public consultation for the cumulative impact assessment will be for a period of 6 weeks. This timeframe is shorter than the statutory timeframe for the draft Policy because the results are needed to feed into any revisions that may need to be included in the draft Policy.

- 6.6. Both consultations will be made available on the Council's website and a notice published in the Camden New Journal.
- 6.7. A report detailing the results of both consultations will be presented to the Licensing Committee at the end of the consultation periods.

## **7. Finance Comments of the Executive Director of Corporate Services**

- 7.1. 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.

## **8. Legal Comments of the Borough Solicitor**

- 8.1. The Borough Solicitor has been consulted and legal comments have been incorporated in this report.
- 8.2. 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
- 8.3. The views of all these persons or bodies should be given appropriate weight when the Policy is determined.
- 8.4. 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.
- 8.5. However, it is considered helpful to have a Policy to promote certainty amongst local residents and businesses and consistency of decision making.
- 8.6. 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.
- 8.7. 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.

### **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.

- 8.8. 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.
- 8.9. 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.

## **9. Environmental Implications**

- 9.1. There are no environmental implications arising from the report.

## **10. Appendices**

- Appendix 1 – Proposed Draft Statement of Licensing Policy
- Appendix 2 – Cumulative Impact Assessment
- Appendix 3 – Schedule of Changes
- Appendix 4 – Equalities Impact Assessment

**REPORT ENDS**