

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Committee</b>	<b>10 March 2015</b>	<b>Unclassified</b>	LC 08/145	

Report of  <b>Consumer and Business Regulations</b>  Originating Officer:  <b>David Tolley – Head of Consumer and Business Regulations</b>	Title  <b>Licensing Act 2003 – Cumulative Impact Zone</b>  <b>Wards affected: Weavers, Spitalfields and Banglatown</b>
--	--

## **1 SUMMARY**

- 1.1 At the Licensing Committee on the 16<sup>th</sup> October 2014, it was requested that a further update be provided on the licences issued within the Cumulative Impact Zone (CIZ) to enable Members to consider the impact of the CIZ.
- 1.2 The licences within the CIZ have been collated and tabulated from the commencement date of the CIZ on 1<sup>st</sup> November 2013 to February 2015.

## **2. RECOMMENDATIONS**

- 2.1 That the Licensing Committee note, consider and comment on the numbers of licences issued, refused or had conditions attached within the CIZ.

## **3. BACKGROUND**

- 3.1 Under the Licensing Act 2003, the Council is required to determine its policy with respect to exercising its licensing functions and as part of that policy, the Council may have a special policy whereby it can designate an area within the Borough as a Cumulative Impact Zone (CIZ), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives i.e. crime and disorder, noise/nuisance, public safety and harm to children.
- 3.2 On 1st November 2013, the CIZ for the Brick Lane area came into effect after adoption of the Statement of Licensing Policy at Full Council. Area of the CIZ is shown in Appendix One.
- 3.3 The licenses that are potentially affected within the CIZ, with a presumptive rebuttal, are new applications and variations for alcohol on sales (pubs and

restaurants) and off sales of alcohol (off licences) and late night refreshment licences i.e. the sale of hot food or drink after 11.00pm (takeaways).

- 3.4 The CIZ was sponsored by the Metropolitan Police through the Community Safety Partnership and the justification for the CIZ was summarised in consultation documents to residents and businesses Appendix One:
- 3.5 The consultation took place between 21<sup>st</sup> December 2012 and 22<sup>nd</sup> March 2013 with licence holders, residents groups, responsible authorities and interested networks/forums responding. A public event was held in Toynbee Hall and the Council's Licensing Committee was consulted. Appendix Two sets out the local issues outlines in the consultation report and Appendix Three sets out the result that were obtained from the consultation.
- 3.7 A summary of the decisions made by the Licensing Committee with regards to applications or variations within the CIZ is detailed in Appendix Four and Five and the table below summarises the current position as of February 2015.

<b>Type of Licence</b>	<b>Granted</b>	<b>Granted with Conditions</b>	<b>Refused</b>	<b>In consultation</b>	<b>Application withdrawn</b>
New Premises Licence	11	22	3	1	2
Variation of premises Licence	2	2	3		
Time Limited Premises Licence	2	0	0		1
Totals	15	24	6		3

#### **4. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 4.1 There are no specific financial implications emanating from this report which provides an update for members on the impact of the Cumulative Impact Zone which commenced on 1<sup>st</sup> November 2013.

#### **5 LEGAL COMMENTS**

- 5.1 The Council is a licensing authority under the Licensing Act 2003. Section 5(1) of the Licensing Act requires the Council to determine and publish its policy with

respect to the exercise of its licensing functions. Once the licensing policy is in place, the Council is required to have regard to that policy in the exercise of its licensing functions.

- 5.2 The 2003 Act imposes a general duty on licensing authorities to exercise their licensing functions with a view to promoting the licensing objectives; those objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 5.3 Cumulative Impact Zones are not provided for expressly in the 2003 Act. However guidance issued by the DCLG under Section 182 of the Act allows Councils to adopt area specific policies to address the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in that area.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 No adverse impacts have been identified

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 There are no adverse impacts identified.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based.

## **9. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 9.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Responsible Authorities support and assist with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

## **10. EFFICIENCY STATEMENT**

- 10.1 There are no efficiency elements to this report.

## 11. **APPENDICES**

Appendix One:	CIZ area
Appendix Two:	Issues raised in the consultation documents
Appendix Three:	Summary of results from the consultation
Appendix Four:	Weaver's Ward Summary
Appendix Five:	Spitalfields and Banglatown Ward Summary

---

### **Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report**

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
None	N/A