

## **Appendix Five – Summary of written responses to CIA consultation**

### **Index**

	<b>Responder Description</b>	<b>Supports the CIA Retention (Y/N)</b>	<b>Comment</b>	<b>Page Number</b>
1.	Responsible Authority (Police)	Yes	Supports the CIA in both Brick Lane and Bethnal Green. Comment that it assists in reduction of crime and disorder linked to licence premises in the area and ensures applicants applying for a licence focus on reduction of crime and disorder in their applications	3-4
2.	Resident Association (ARESTA)	Not specified	Extend CIAs (Weavers and Bethnal Green Extension)	5-6
3.	Licence Trade (Bishop S.A.R.L.)	No	Evidence does not justify CIAs, particularly considering much of the data in pre-pandemic. Council should be looking to support and encourage growth in Hospitality considering the impact of Covid-19 on the industry. Current Policy inflexible. Council should remove both CIAs and look to support sustainable hospitality industry.	7-8
4.	Residents Association (SPIRE)	Yes	Support retention. Comment- Impact of linked ASB on residents and Non-licensed businesses/Not a bar of Licences but can be used to raise the standard/Cost to LBTH and Police to reduce ASB.	9-10
5.	Resident 1	Not specified	Extend CIAs (Weavers and Bethnal Green Extension)	11-12
6.	Resident 2 (Chair of Weavers Ward Safer Neighbourhoods Panel)	Not specified	Extend CIAs (Weavers and Bethnal Green Extension)	13
7.	Resident 3	Not specified	Extend CIAs (Weavers and Bethnal Green Extension)	14

8.	Resident 4 - (Chair of Boundary Tenants and Residents Association)	Not specified	Extend CIAs (Weavers and Bethnal Green Extension)	15
9.	Resident 5	No specified	Pedestrianising of Old Bethnal Green road (Warner Place to Temple Street) causes safety concerns at night - late night businesses would be welcomed there for safety reasons.	16
10	UK Hospitality	No	Evidence does not justify CIAs, particularly considering much of the data in pre-pandemic. Council should be looking to support and encourage growth in Hospitality considering the impact of Covid-19 on the industry. Data is also misleading. Current Policy inflexible. Council should remove both CIAs and look to support sustainable hospitality industry. Current Policy inflexible.	17-21

## **1. Responsible Authority (Met. Police – Borough Commander) – Written Response**

The Brick Lane and Bethnal Green areas of Tower Hamlets comprise the heart of the borough's night time economy, with dozens of late night bars, several night clubs and many late night restaurants and takeaways. Both areas link into and form part of a greater night time economy area encompassing the Shoreditch Triangle, indeed Tower Hamlets and Hackney's combined night time economy is the largest in Europe. Both areas are served by the very busy transport hubs of Shoreditch Overground and Bethnal Green Underground stations. Both areas attract tens of thousands of visitors each weekend.

With both Brick Lane and Bethnal Green having such a large and vibrant night time economy there has been an increase in crime and disorder which has required the adoption of the Cumulative Impact Policies. With more people coming to the area to drink and socialise it is incumbent on all those involved to work together to prevent people becoming the victim of crime. As people drink their decision making process becomes impaired and they are more likely to either be the victim of crime due to their vulnerability, or become the instigator of crime and disorder due to reduced inhibitions, and ability to rationalise.

With so many licensed premises and night time attractions in Bethnal Green and Brick Lane attracting people to the area it has also brought in drug dealers and others who prey on people in the area by committing robberies and thefts. The North West area of Tower Hamlets in which Brick Lane and Bethnal Green are located are the crime generating areas for Tower Hamlets, which puts an additional strain on policing resources. It is therefore essential that additional measures such as the Cumulative Impact Policies implemented by Tower Hamlets Council are maintained as they provide a powerful and effective tool in combating crime and disorder in the area.

The Cumulative Impact Policy has assisted the Police in tackling crime and disorder linked to the Night Time Economy. The rebuttable presumption that applies to applications for premises licenses requiring applicants not only to recognise that there are higher levels of crime and disorder in the area, but also requires them to come up with policies and procedures that demonstrate that their premises will not add to crime and disorder in the area has been especially useful. It focusses applicants' minds on the impact their businesses have on the local area in terms of crime and disorder and those applicants that fail to do so face a much harder time getting their applications granted.

It allows the Police and Local authority to have a greater measure of control in how the area develops, there is a need to have an effective balance between the needs of the area to flourish economically and at the same time not allow crime and disorder to affect the lives of local residents and visitors to the area as a result. Without the Cumulative Impact Policy, and especially the rebuttable presumption it would be much harder for both the Police and Local Authority to focus the minds of applicants to deal with the risks of increased crime and disorder their premises will

bring, and to object to applications where such measures are insufficient to protect the public.

Along with measures such as the Late Night Levy that funds additional Police Officers to patrol the night time economy hotspots as well as additional street cleaning and Street Pastors, the Best Bar None Scheme and the use of Pub Watch Schemes, the Cumulative Impact Policy is a vital tool in preventing crime and disorder and protecting the public. Its removal would in our opinion lead to an increase in late night licensed premises in both areas which would have a seriously detrimental effect on our ability to tackle crime and disorder in the area, and place an additional strain on Policing resources due to the increased demand on our service.

Although the COVID pandemic has undoubtedly had an effect in driving down certain types of crime due lockdowns and restrictions on how and when licensed premises have been able to open. We also know that when the restrictions are lifted people are going to want to socialise with each other and enjoy the nightlife again. Licensed premises are also going to want to open up again and start trying to recover lost revenue due to COVID. This means that the measures put in place to protect members of the public from crime and disorder are just as important going forward as they were in the past.

For these reasons we request that the Cumulative Impact Policy for both Bethnal Green and Brick Lane remains in place.

#### **4. Resident Association (ARESTA) – Written Response (includes Photographs)**

ARESTA is a group that live in the area of Columbia Road, Ezra Street and Ravenscroft Street, many of us having done so for many years. It was, until a very few years ago, a quiet neighbourhood with the main outdoor activity being the flower market on Sunday mornings. That has now changed.

Over the last few years there has been a major change in the area the most obvious sign of which is outdoor drinking. This happens on Ezra Street and in Ravenscroft Park throughout the summer during the afternoons, evenings and nights particularly at the week-ends. The problem was exacerbated last summer by the increase in people drinking in Ravenscroft Park often until the early hours of the morning. The drinkers often leave litter in the area and some of them urinate in the surrounding streets, including against the walls of Columbia School. Often the drinkers also sit on the pavement in Ezra Street in large, noisy numbers, creating a major ASBO problem and keeping neighbours awake. There have also been problems with drug dealers using the corners of Ezra Street and Shipton Street as places to sell drugs.

Over the last two years, an increasing number of applications have been made for licenses to sell alcohol and we estimate that in this small space there are now at least 17 places with such licenses (listed below\*). Often requests are made for those licenses to extend until 10 or 11 at night. As members of the licensing committee and staff are aware, this has led to a number of hearings at which residents have expressed their growing concerns.

Obviously during the Covid-19 lockdowns, these issues have changed and the area has been quiet but now that restrictions are being lifted, we are already seeing a return to some of the major ASBO and noise problems in the same areas we have had over the last two or three years. For instance just last night at 6:30 over 100 people were drinking in the small passage of Ezra Street radiating out from the corner where two licensed establishments, Campagnia and Printers & Stationers are located. Open drinks are being served to customers who are forming crowds sitting/standing on the pavement and road drinking.

We would therefore like to request, by means of this letter, that you begin the process of adopting this area as a Cumulative Impact Zone (CIZ) as exists elsewhere in the borough so that the criteria by which alcohol licenses are granted are tightened. Many people live in this area and many are elderly and are often unaware of the new applications for alcohol licenses but when they are made aware of it, they are adamant that they do not want an extension of drinking in the streets. When the Royal Oak made a planning application last year to have a 'drinks ledge' outside their pub on the corner of Ezra Street and Columbia Road, more than 50 individual objections were made and 36 different households raised objections and the plan was dropped. The fact that the pub even applied for this outside 'drinks ledge' highlights the change in the drinking culture in this area.

Making the area a CIZ would send a similar message.

At the same time we would urge the council and the relevant authorities to whom this is addressed to urgently consider how to modify and or re-design the area around the newly designed area around the Birdcage pub as part of the Liveable Streets project. Recently the Birdcage applied for an outside license in this area which was refused by Market Traders. However, as the accompanying photograph shows this does not deter the public who will, as anticipated, turn this liveable streets area into an extended pub garden. Already there are signs that this will extend across Columbia Road and into Ravenscroft Park as has happened previously, especially at week-ends, indeed the pub has a sign that promotes this.

\*List of licensed premises in local area around Columbia road: Brawn; Stingray Globe; Laxeiro; Royal Oak Pub; Birdcage Pub; Nelsons Pub; Marksman Pub; Clutch Pub conversion (closed now but license still remains); Hackney Providers; Funk; Mason & Painter; Campagnia; Printers & Stationers; Embas Express (formerly Co-Op Columbia Rd); Idel Moments (next door to foregoing); Sundial Centre; Site.

## **5. Licence Trade (Bishop S.A.R.L.) – Written Response (sent via Solicitor)**

I write on behalf of my client Bishops S.A.R.L in response to the above consultation. My client owns numerous properties in the Tower Hamlets area many of which are let to licensed operators.

My client is thankful for the opportunity to respond to this important consultation and summarises its position as follows:

- A cumulative impact policy presumes against any further development of the licensed leisure industry which may be justified where the licensing landscape and times are such that warrant an overriding requirement to restrain such development. However, this is not that time. This is a time of unprecedented crisis for the hospitality industry and the impact on hospitality is severe and ongoing and will continue to have an effect on the licensing landscape in Tower Hamlets both in the immediate and long term. Many business remain at risk of closure, and some are unlikely to survive, and as such the licensing landscape is unlikely to return to its pre-March 2020 state. Given this, it is vital policies are implemented to support the industry to prevent an ongoing increase in vacancies, reductions in business rate contributions, footfall and employment.
- On review of the report produced by Tower Hamlets entitled “Review of the Cumulative Impact Policies (Licensing) in Brick Lane and Bethnal Green.”, the data provided cannot justifiably be used to support the continuation of a cumulative impact policy for either area. The data underpinning the consultation on this cumulative impact assessment predominantly relies on pre-pandemic data and this data is outdated. Due to the pandemic many licensed premises have closed or will close, whilst others have changed their style of operation significantly in the hope of survival. As a result the licensing landscape in Tower Hamlets has changed and will continue to do so, and significantly so. There is no evidence to conclude that when the hospitality industry resumes in Tower Hamlets there will be cumulative impact in either of these areas, or indeed any other part of the borough. A decision to produce a cumulative impact policy based on this out of date data, which does not reflect the current state of the licensed sector, is simply not be justifiable.
- The cumulative impact policy currently in place for Brick Lane and Bethnal Green is both outdated and inflexible and there is no justification to continue with the policy particularly given the unprecedented challenges facing the licensed industry at present. A decision to continue with this existing policy will no doubt have severe and adverse repercussions for the hospitality industry, the economy and employment within in Tower Hamlets.
- For all the reason given above, London Borough of Tower Hamlets should abandon the cumulative impact policies for Brick Lane and Bethnal Green. Instead we would urge London Borough of Tower Hamlets take this opportunity to formulate a new approach to promote and support a sustainable hospitality industry in Tower Hamlets with a positive outlook and setting out a clear plan for developing the hospitality industry within the borough.

We hope this response, along with the affect such a decision is likely to have on the hospitality industry, will be carefully considered before a decision is reached on the future of the cumulative impact policy.

## **6. Residents Association (SPIRE) – Written Response**

We are responding to the CIA consultation under g) such other persons as the licencing authority considers to be representative of business and residents in its area.

SPIRE is a joint initiative by 5 groups which between them represent many hundreds local residents. These are:

Exchange Building Residents Association  
Spitalfields Market Residents Association  
St George's residents Association  
Spitalfields Community Group  
Spitalfields Society

SPIRE firmly supports the continuation of the Cumulative Impact Policy (CIP) in general and the implementation of the Brick Lane Cumulative Impact Zone (CIZ) in particular.

---oo0oo---

Firstly, we would like to recognise the constructive achievements of the CIP and implementation of both the Brick Lane and Bethnal Green CIZ and the positive impact this has had on businesses – both licenced and unlicenced, the lives or residents as well as the many visitors who come to Spitalfields and the wider area for a host of different reasons.

Though, as noted in the Executive Summary of your consultation document “Evidence can support the retention of both CIA’s, particularly Brick Lane”

Anti-Social Behaviour (ASB) induced by, amongst other things, excessive alcohol consumption remains a problem in the Brick Lane CIZ. While there are many factors that cause this situation including the fact that Spitalfields remains a destination by people who come from afar for an alcoholic night out (Cross Rail can further facilitate this), the implementation of the CIZ has had some meaningful impact.

However, given that the problem of ASB is not static, ie. it will never be totally vanquished, we firmly believe that CIZ policy should continue to be used as one of the valuable tools available to LBTH.

Further, while licencing decisions rest solely with LBTH, the CIZ policy also provides an appropriate and clearly defined framework for residents and business to express their concerns and views.

Finally, and critically, the CIZ policy helps to raise standards, as opposed to raising barriers to entry, thus all elements of the residential and business community benefit.

Together with the points noted above, we are firmly of the view that the Brick Lane CIZ policy should continue to operate for the following reasons:

1. The welfare of the residents within community should be the number one priority of the London Borough of Tower Hamlets (LBTH), and the CIZ is one of several ways that LBTH has, and can continue to achieve this.  
As the area within the Brick Lane CIZ becomes even more densely populated with the construction of residential dwelling and commercial business, the challenge becomes more acute.
2. Good licensee operators should not be punished by bad operators.  
By maintaining high standards, (not to be confused with high barriers to entry), then there is an obvious benefit for licensees who conduct their operations appropriately as they will not be impacted by any general restrictions that may have to be imposed.
3. Non-licenced businesses should not be impacted by ASB  
These business benefit by being able to operate in a broader environment which is conducive to increased visitor footfall in the area.
4. Cost to LBTH and the Metropolitan Police  
On the basis that prevention of ASB is a far more cost effective as opposed to intervention, it is logical for standards and regulation to be implemented that help reduce the need for intervention.

## **7. Resident 1 – Written Response**

We live in the area of Columbia Road, Ezra Street and Ravenscroft Street and have done for many years. It was, until a very few years ago, a quiet neighbourhood with the main outdoor activity being the flower market on Sunday mornings. That has now changed.

Over the last few years there has been a major change in the area the most obvious sign of which is outdoor drinking. This happens on Ezra Street and in Ravenscroft Park throughout the summer during the afternoons, evenings and nights particularly at the week-ends. The problem was exacerbated last summer by the increase in people drinking in Ravenscroft Park often until the early hours of the morning. The drinkers often leave litter in the area and some of them urinate in the surrounding streets, including against the walls of Columbia School. Often the drinkers also sit on the pavement in Ezra Street in large, noisy numbers, creating a major ASBO problem and keeping neighbours awake. There have also been problems with drug dealers using the corners of Ezra Street and Shipton Street as places to sell drugs.

Over the last two years, an increasing number of applications have been made for licenses to sell alcohol and we estimate that in this small space there are now at least 17 places with such licenses (listed below\*). Often requests are made for those licenses to extend until 10 or 11 at night. As members of the licensing committee and staff are aware, this has led to a number of hearings at which residents have expressed their growing concerns.

Obviously during the Covid-19 lockdowns, these issues have changed and the area has been quiet but now that restrictions are being lifted, we are already seeing a return to some of the major ASBO and noise problems in the same areas we have had over the last two or three years.

We would therefore like to request that this area become a Cumulative Impact Zone (CIZ) as exists elsewhere in the borough so that no more alcohol licenses are granted. Many people live in this area and many are elderly and are often unaware of the new applications for alcohol licenses but when they are made aware of it, they are adamant that they do not want an extension of drinking in the streets. When the Royal Oak made a planning application last year to have a 'drinks ledge' outside their pub on the corner of Ezra Street and Columbia Road, more than 50 individual objections were made and 36 different households raised objections and the plan was dropped.

Making the area a CIZ would send a similar message.

At the same time we would urge the council and the relevant authorities to whom this is addressed to urgently consider how to modify and or re-design the area around the newly designed area around the Birdcage pub as part of the Liveable Streets project. Recently the Birdcage applied for an outside license in this area which was refused by Market Traders. However, as the accompanying photograph shows this does not deter the public who will, as anticipated, turn this liveable streets area into an extended pub garden. Already there are signs that this will extend across

Columbia Road and into Ravenscroft Park as has happened previously, especially at week-ends.

\*List of licensed premises in local area around Columbia road: Brawn; Stingray Globe; Laxeiro; Royal Oak Pub; Birdcage Pub; Nelsons Pub; Marksman Pub; Clutch Pub conversion (closed now but license still remains); Hackney Providers; Funk; Mason & Painter; Campagnia; Printers & Stationers; Flowers Supermarket (Co-Op Columbia Rd); 'Need Wine' (next door to foregoing); Sundial Centre; Site.

## 8. Residents 2 (Chair of Weavers Ward Safer Neighbourhoods Panel) – Written Response

As chair of the Weavers Ward Safer Neighbourhoods Panel and co-founder of Weavers Community Action Group, and on their behalf, I wholeheartedly endorse the request of ARESTA to extend and add to the Cumulative Impact Zones of Bethnal Green Road and Brick Lane.

Weavers Community Action Group has proposed a map showing

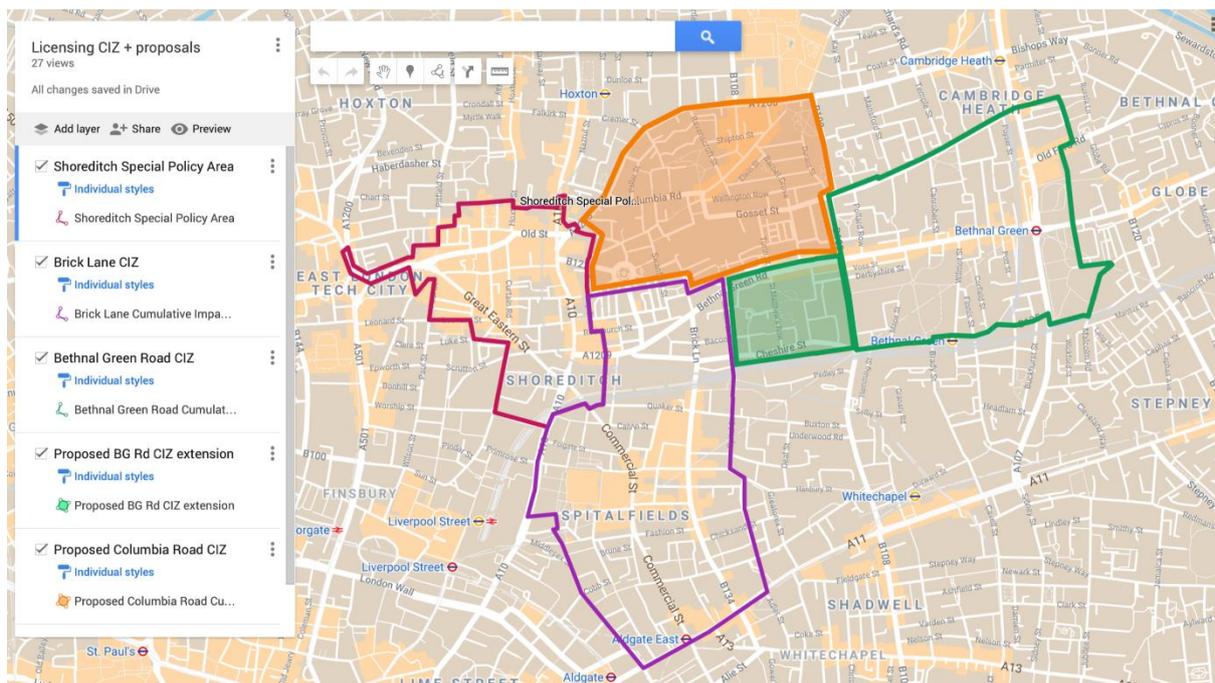
- Extension of Bethnal Green Road CIZ to meet Brick Lane
- New CIZ to cover the Weavers Ward section of Hackney Road and Columbia Road

[The map is linked here:](#)

<https://www.google.com/maps/d/viewer?mid=1VE2Xm2yA03cJQUpiR88DFiQJbO9K7TRr&ll=51.52332925848807%2C-0.07383165029297034&z=15>

And also a static jpg version attached to this email.

I would appreciate that this map is taken into consideration as a part of the current consultation regarding the existing CIZs and am happy to provide more community-sourced evidence as to existing problems if that is required.



### **9. Resident 3 – Written Response**

As a resident of the Columbia road neighbourhood which over the past few years has been put under enormous pressure by the granting of numerous alcohol licenses. I, too, support this request below by Jonathan Moberly to create the Columbia road area into a CIZ.

The levels of ASB are reaching intolerable levels especially in terms of raucous behaviour and noise. In addition, my daughter - who is disabled - finds that a number of local streets at the week-ends in the evenings (e.g. Columbia road around the Birdcage pub and Ezra street) are now impossible to navigate.

I hope the council takes this matter seriously and acts accordingly.

#### **10. Resident 4 (Chair of Boundary Street TRA) – Written Response**

As chair of the Boundary TRA, I request that the CIZ zone be extended and to include the whole of the Boundary Estate and its surrounding streets as per the map developed by Jonathan Moberly.

As you know residents have, on many occasions, raised their concerns directly to you on ASB issues related to the Night-Time economy. With the gradual easing of lockdown, we are already experiencing the return of serious ASBs on our estate.

We are engaging with your team to find solutions and hopefully we can have a plan before further easing of the lockdown and before the full reopening of the pubs. We definitely do not want a repeat of last summer's riot on Calvert Avenue.

## **11. Resident 5 – Written Response**

Pedestrianising of Old Bethnal Green road between Warner Place and Temple Street makes it an extremely uncomfortable place to walk after dark, late night businesses would be welcomed there for safety reasons.

## **12. UK Hospitality – Written Response (Submission 1)**

### **Summary**

1. UKHospitality thanks London Borough of Tower Hamlets (“LBTH”) for the opportunity to respond to this important consultation.
2. UKHospitality is the UK’s hospitality sector industry body, representing over 700 companies which in turn operate around 70,000 venues in a sector that employs 3.2 million people. The body speaks on behalf of a wide range of leisure and ‘out-of-home’ businesses, from FTSE 100 enterprises to niche groups and independent single-site operators – covering pubs, restaurants, hotels, nightclubs, contract catering, leisure parks, visitor attractions and coffee shops.
3. UKHospitality summarises the main points of its response as follows:
  - 1) This is a time of unprecedented crisis for the hospitality industry, and one which already has and will continue radically to transform the licensing landscape in Tower Hamlets both now and in the medium and long term. It is already clear that many businesses will not survive and the licensing landscape will not return to its pre-March 2020 state.
  - 2) In any event, the data does not support the continuation of a cumulative impact policy either for Brick Lane or Bethnal Green.
  - 3) The policy controls are both draconian and inflexible, particularly at this time, and should be recast to support a sustainable hospitality industry rather than opposing nearly all aspects of the industry.

### **The impact of Covid-19 on the hospitality industry**

4. The impact of Covid-19 on London venues can be understood in 6 main phases:
  - 1) The pre-lockdown events in March 2020, and in particular Government advice to stop non-essential contact and travel on 16th March 2020.
  - 2) The closure of licensed premises on 21st March 2020 imposed by the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 as then developed through the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.
  - 3) The more limited restrictions imposed on pubs and restaurants from 4th July 2020 by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. Nightclubs and casinos remained subject to closure.
  - 4) The 10 p.m. curfew imposed by the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020 from 24th September 2020.

- 5) The further lockdown imposed from 5th November 2020 by The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.
  - 6) A gradual re-opening of venues from 12th April 2021, with future rules as to passports, social distancing and covid-secure measures uncertain. It is also unclear what state the industry will be in over the longer term as unemployment rises with a correlative reduction on consumer spend, business loans fall due and the moratorium on business rates and repossessions comes to an end. It is, however, clear, that the financial resilience of the sector will be greatly diminished.
5. UKHospitality research has demonstrated severe impacts on the hospitality industry:
- 1) The hospitality sector lost £86 billion in revenue by the end of 2021, down 68%.
  - 2) There are around 600,000 fewer jobs in the sector, even despite the support provided by furlough payment.
  - 3) The hospitality sector has amassed approximately £6 billion in loans and other finance and £2 billion in rent debt.
  - 4) 41% of sector businesses consider that they are likely to fail by mid-2021.
6. There will be companies with strong balance sheets, access to finance or investor support who may be able to ride out these challenges. However, there will be far more which remain at risk of closure.
7. Furthermore, the recent relaxation of planning controls enabling the conversion of high street properties to residential without the need for planning permission poses a grave risk to hospitality businesses in rented units, particularly small independents currently paying lower rents.

### **The impact of Covid-19 on cumulative impact data**

8. In the previous section, we have argued that the impacts of Covid on high street hospitality are severe and are likely to remain so.
9. The precise impact of mass closures on the licensing objectives is unknown. However, it is foreseeable that such closures, with an associated drop in footfall, will reduce those impacts which are caused by a high concentration of premises. That being so, then any cumulative impact will naturally reduce.
10. It is obvious that the hospitality landscape in Tower Hamlets will be radically different in 2021 than 2019. There will be far fewer premises. Many of those which survive will be trading differently. There will also be different travel patterns. In particular, public anxiety about travelling on public transport and the move towards home working mean that more people will choose to socialize locally.

11. Despite the above, it is a striking feature of this consultation exercise that there has been no attempt at all to investigate, analyse or predict the impact of Covid on the pattern of hospitality locally, or the impact of a changed pattern on the licensing objectives. The consultation is based on evidence largely collated in a pre-Covid era but is intended to underpin a policy operating in a post-Covid landscape. In short, the consultation is completely silent on the step change in high street hospitality brought about by Covid, which is likely to be the biggest change in the sector since World War II. This is, with respect, a signal omission.
12. All of these changes will need to be fully understood for the policy implications to be evaluated and a policy direction to be set. At present, it is impossible sensibly to conclude that when the hospitality industry resumes in Tower Hamlets there will be cumulative impact in any part of the borough. A policy of restraint therefore lacks an evidential basis, and is in any case liable simply to exacerbate a process of decline.

### **The available data**

13. LBTH has produced a report entitled “Review of the Cumulative Impact Policies (Licensing) in Brick Lane and Bethnal Green.”
14. The report refers to three sets of data for the Brick Lane and Bethnal Green CIA.
  - a) Complaints relating to licensed premises received by the Police.
  - b) Complaints relating to licensed premises received by the Council’s noise service.
  - c) Complaints relating to licensed premises received by the Council’s licensing service.These are taken in turn.
15. UKHospitality refers in particular to 2019, since this was the last complete year free of Covid. The 2020 figures are naturally skewed by the forced closure of premises.

#### *Brick Lane*

16. The report states that the number of Police complaints in 2019 was 468. This is a 26.5% reduction from 2015<sup>1</sup>. It amounts to under 2 complaints per licensed premises per annum in the Brick Lane CIA or 1.28 complaints in the area as a whole each day. This does not begin to satisfy the definition of cumulative impact set out in the

---

<sup>1</sup>The corresponding figure for 2015 was 636: report to Licensing Committee 14.1.2.17 for Statement of Licensing Policy Review 2018. Secretary of State’s Guidance under section 182 of the Licensing Act 2003 at paragraphs 14.20 to 14.23.

17. Furthermore, UKHospitality's Solicitors have requested details of these complaints. On 22nd February 2021 they made the following request:

*Could you please clarify what were the criteria for something to constitute a complaint? Additionally for such complaints do we have a breakdown as to how many different complainants, the nature of complaints, whether they were substantiated or not and what time of day were they received, and how many different premises they related to. Again, if you have a spreadsheet or some other means of displaying the underlying data, would you be able to share it with us, with any necessary redactions?*

18. LBTH has not been able, despite attempts, to elicit the details requested, or indeed any details regarding these complaints. In other words, there is no information whatsoever as to what these complaints are. There is simply a bare number: 468. This is a wholly insufficient basis upon which to place the hospitality industry under a strict policy constraint.

19. The report states that the number of noise complaints from November 2018 to November 2019 is 31. This represents approximately one per fortnight across the whole of the Brick Lane CIA. Even then, data supplied by LBTH shows that a quarter of those had nothing to do with noise from customers or music. This is no basis on which to impose a cumulative impact policy.

20. The report also states that there were 59 licensing complaints from November 2018 to November 2019. In fact, the spreadsheet produced by LBTH shows that there were only 53 entries for that year, i.e. 1 per week total, spread among 248 licences. Even then, these 53 entries were not complaints. In fact only 8 concerned noise or anti-social behaviour. The vast majority were just notes of licensing queries such as how to apply for a variation, a decision not to renew, questions regarding tables and chairs licences, temporary event notices, late night levy discounts etc. It is not clear why this data has been used to support a consultation exercise in relation to cumulative impact.

### *Bethnal Green*

21. The report states that the number of Police complaints in 2019 was 180. This amounts to 3 complaints per licensed premises per annum in the Bethnal Green CIA or one complaint in the area as a whole every other day. This does not begin to satisfy the definition of cumulative impact set out in the Secretary of State's Guidance under section 182 of the Licensing Act 2003 at paragraphs 14.20 to 14.23.

22. Furthermore, UKHospitality's Solicitors have requested details of these complaints as set out above.

23. Again, LBTH has not been able, despite attempts, to elicit the details requested, or indeed any details regarding these complaints. In other words, there is no information whatsoever as to what these complaints are. There is simply a bare

number: 180. This is a wholly insufficient basis upon which to place the hospitality industry under a strict policy constraint.

24. The report states that the number of noise complaints from November 2018 to November 2019 is 7. This represents approximately one every two months across the whole of the Bethnal Green CIA. Even then, data supplied by LBTH shows that at least two of those had nothing to do with noise from customers or music. This is no basis on which to impose a cumulative impact policy.
25. The report also states that there were 13 licensing complaints from November 2018 to November 2019, or one per month. In fact, the spreadsheet produced by LBTH shows that three of those were administrative queries. This provides no support for a cumulative impact policy.
26. Accordingly, the only data relied upon in the consultation report provides no evidence of cumulative impact and no rational support for a cumulative impact policy in either cumulative impact area.

### **Cumulative impact policy wording**

27. The existing cumulative impact policy contains a blanket presumption against premises licences, club premises certificates and variations.
28. In the ordinary case, this simply means that it is for the applicant to demonstrate why their application will not add to cumulative impact.
29. However, the policy contains a number of features which tend to block even sensitive applications.
30. First, the policy applies the presumption to all applications. It makes no distinction between types of premises or hours of operation. It applies the same presumption to an all-night club as it does to a wine bar trading until midnight.
31. Second, and conversely, while the policy states what it presumes against, it does not state what LBTH is in favour of. This means that the policy is wholly negative, and contains no vision for the hospitality economy locally or investment incentive. The policy simply reads as anti-hospitality.
32. Third, the negativity of the policy is fortified by a statement that in addition to demonstrating that the application will not add to cumulative impact, applicants will need to show that there are “genuinely exceptional circumstances.” It is not clear why an application which will not harm the licensing objectives or increase cumulative impact needs also to demonstrate that it is exceptional. If the “exceptional” requirement means only that the proposal does not add to cumulative impact, then it adds nothing to the requirement that it should not do so. If it means something else, then it is an arbitrary restriction unrelated to the licensing objectives.
33. Fourth, the policy states that it will be “strictly applied”. This is presumably intended to add something to the requirement for genuinely exceptional circumstances. The necessity for this statement is unexplained.

34. Fifth, the policy gives a list of factors the authority may regard as exceptional, including small premises or non-alcohol-led premises operating during Framework Hours, or switches from one premises to another. But, again, the appropriate test in a cumulative impact area should not be whether the proposal meet a blueprint, even one expressed as being non-exhaustive, but whether it adds to cumulative impact.
35. Therefore, the wording of the policy is such as to erect a series of hurdles which are completely unjustified by the underlying data. In circumstances in which the hospitality economy has been and continues to be the subject of unprecedented strain, the policy is liable to do irrevocable damage to that sector, to the disadvantage of the economy, employment and culture in the borough.

### **A better way**

36. LBTH should abandon the cumulative impact policies for Brick Lane and Bethnal Green. It should replace them with:
- a. a vision for how it wishes the hospitality economy to develop in those areas;
  - b. the kinds of activity which it supports;
  - c. any activities which will be subject to stronger scrutiny where relevant representations are received;
  - d. the standards which should be considered in those areas to prevent any occurrence of harm to the licensing objectives.

### **Conclusion**

37. In this consultation response, UKHospitality has explained that the data relied on by LBTH does not support a cumulative impact policy either in Brick Lane or Bethnal Green, let alone a policy as strict as that currently in force, and that that data has now in any event been entirely superseded by the impact of the pandemic. LBTH is urged to take a new approach to the hospitality economy, replacing its negative approach with a positive outlook, explaining to investors what activities LBTH in fact supports and how this will contribute to an overall vision of the areas as the borough emerges from the pandemic.
38. UKHospitality would be pleased to work with LBTH to assist in defining a sustainable, culturally relevant vision for the borough.

## **12. UK Hospitality – Written Response (Submission 2)**

### BRICK LANE AND BETHNAL GREEN CUMULATIVE IMPACT AREAS

#### ANALYSIS OF POLICE DATA

1. UKHospitality has received an Excel spreadsheet from the Metropolitan Police Service breaking down the number of crimes recorded in relation to licensed premises for the years 2017, 2018 and 2019.

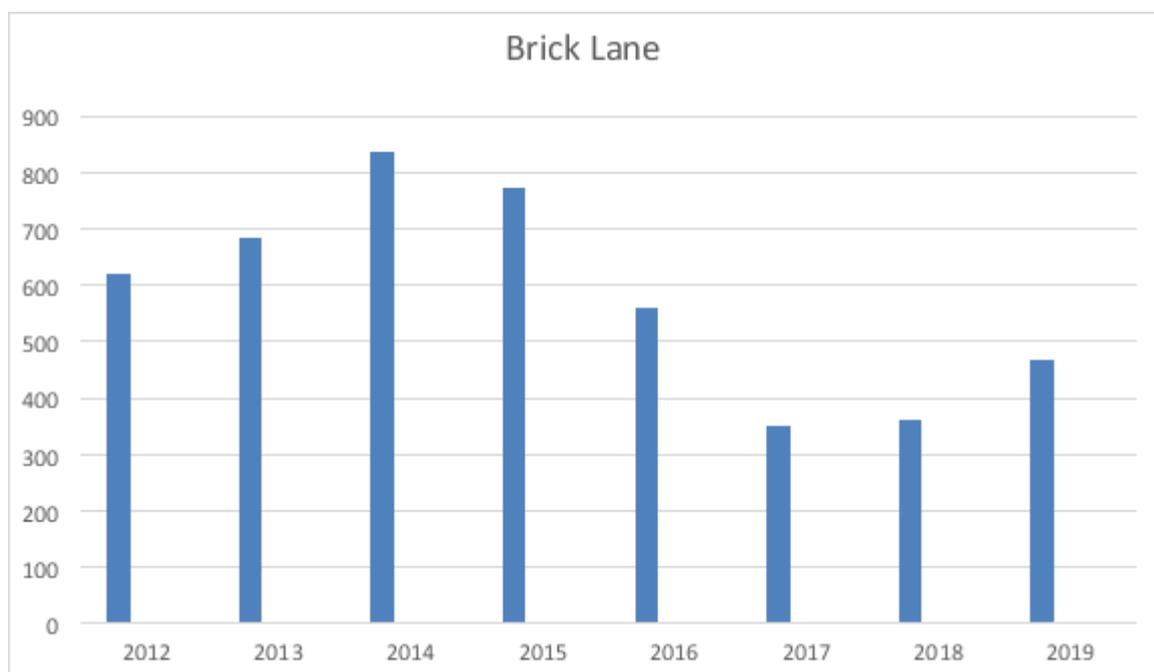
#### **Limitations of data**

2. First, the spreadsheet does not list the time of day or night at which the alleged crime was committed or reported. This means that the data cannot be used to analyse the contribution made by the night time economy to overall levels of crime or any trends in relation thereto.
3. Second, the figures contain no explanation as to whether the crimes are alcohol-related. Hence, an out of hours burglary of a convenience store, a theft by an employee from a supermarket and an assault in a late night licensed venue are all given the same weight, even though only the last category is relevant to cumulative impact.
4. Third, the data contains an unspecified number of duplications, as incidents on the same day in the same place contained in a CAD and CRIS report are counted as two incidents.
5. Fourth, there is no explanation as to whether any particular incident took place inside or merely near a licensed premises. Experience shows that Police will list a street incident by reference to a nearby prominent premises, whether or not it took place there.
6. Fifth, there is no evidence as to whether a crime was actually committed in any particular case. For example, insurers require lost property to be reported as a crime to the Police. The data does not explain whether every incident listed as a theft was in fact a theft or merely a reported loss.
7. Sixth, there is no comparison of this data with overall levels of criminal incidents. Therefore, there is no evidence as to the percentage of overall crime contributed by alcohol-licensed premises in general or the late night economy in particular.
8. The remainder of this paper is without prejudice to the above limitations.

#### **Overall levels of crime**

9. The overall levels of crime linked to licensed premises have fallen markedly in recent years.

10. In Brick Lane, there was 45% less crime in licensed premises in 2019 than there was in 2014<sup>7</sup> as shown in the following chart. Police data shows a significant further drop in 2020, but this may be explained by restrictions on licensed premises during the pandemic. For 2019, the incidents of crime reported by the Police amount to 1.88 per premises per year in the Brick Lane CIA.



11. Pre-2017 data relating to Bethnal Green is not currently available. However, the figures given by THBC are relative static for 2017-2019 (185, 158 and 180 incidents respectively). For 2019 this amounts to 3.1 incidents per premises per year.

### Breakdown of crime

12. The data given in the report entitled Review of the Cumulative Impact Policies (Licensing) in Brick Lane and Bethnal Green gives crude overall total figures for “incidents of crime or anti- social behaviour” in Brick Lane and Bethnal Green as follows:

Brick Lane: 2017 (351), 2018 (362), 2019 (468).

Bethnal Green: 2017 (185), 2018 (158), 2019 (180).

13. On analysis of the spreadsheet, however, these figures are apt to give a wholly misleading impression of the contribution of the night time economy to cumulative impact.

14. A breakdown of the figures is given in Appendix 1.

<sup>1</sup>Pre-2017 from report to Licensing Committee 14.12.17:  
<https://democracy.towerhamlets.gov.uk/documents/g7594/Public%20reports%20pack%2014th-Dec-%202017%2018.30%20Licensing%20Committee.pdf?T=10>

15. As may be seen, in both Brick Lane and Bethnal Green, more than half of all incidents related to crimes of dishonesty. This included shoplifting, theft (including mobile phone loss reports), theft from hotel bedrooms, theft by employees, burglaries and making off without payment.
16. In Brick Lane in 2019, these totalled 251 incidents out of a total of 468. This leaves just 217 other incidents across the whole area, or fewer than 1 incident per premises per year.
17. In Bethnal Green, incidents of dishonesty totalled 96 incidents out of 180, leaving just 84 other incidents across the whole area, or 1.44 incidents per premises per year.
18. Even then, given the limitations of the data specified above, there is no evidence even whether these incidents were or weren't predominantly associated with the night time economy.
19. So far as incidents of violence are concerned, in 2019 in Brick Lane these averaged 0.7 per premises per year and in Bethnal Green 1.33, with no evidence as to the hour of such incidents.

### **Top 5 premises**

20. The 5 premises with the most incidents recorded against them in 2017 – 2019 were as follows:

- Tesco Metro, Bethnal Green Road: 124
- Sainsburys Cambridge Health Road: 80
- Ibis London City Hotel: 75
- Iceland Bethnal Green Road: 64
- Brew Dog: 54

21. These figures demonstrate that the premises most associated with incidents are not those associated with a late night alcohol economy.<sup>2</sup>

### **Conclusion**

22. The Police have presented crude data which, on the limited analysis possible, does not demonstrate cumulative impact, let alone to a degree which necessitates a presumption against further licensed premises.

<sup>2</sup>Brewdog closes at 11 p.m.

## BRICK LANE AND BETHNAL GREEN

### Appendix 1

#### ANALYSIS OF POLICE DATA

#### BRICK LANE

	Violence							Dishonesty						Sex	Other
	ABH	Affray	ASB	Assault	GBH	POA	Total	Shoplifting	Theft	Robbery	Make off without payment	Burglary	Total		
2019	10	1	132	12	6	10	171	16	223	9	3	23	251	3	43
2018	12	2	86	17	5	7	129	28	137	3	1	50	109	2	22
2017	4	-	87	14	1	9	115	39	135	5	-	22	201	4	35

#### BETHNAL GREEN

	Violence							Dishonesty						Sex	Other
	ABH	Affray	ASB	Assault	GBH	POA	Total	Shoplifting	Theft	Robbery	Make off without payment	Burglary	Total		
2019	6	-	53	11	3	4	77	29	51	4	1	11	96	1	6
2018	4	-	59	13	3	4	83	29	21	3	-	4	57	2	16
2017	3	-	61	7	2	4	77	51	25	6	1	5	88	1	19