

Cabinet 16 October 2024	 TOWER HAMLETS
Report of: Simon Baxter, Corporate Director Communities	Classification: Unrestricted
Cumulative Impact Assessment Policy 2024 - 2027	

Originating Officer(s)	Tom Lewis, Service Manager, Regulatory Services (Commercial)
Wards affected	Spitalfields and Banglatown, Whitechapel, Weavers, and Bethnal Green West
Exempt information	None

Executive Summary

The Council as a Licensing Authority must review its Cumulative Impact Policies every 3 years. The Council has two Cumulative Impact Policies or Cumulative Impact Assessments (CIA) as they are now referred to in the legislation and government guidance. The Council's first CIA in Brick Lane was introduced in November 2014, with the second CIA being introduced around Bethnal Green in November 2018.

The Cumulative Impact Assessment forms part of the Council's Statement of Licensing Policy and therefore if the reviewed CIA Policy is adopted, then the Statement of Licensing Policy will be updated to reflect this change.

As part of the review of the Cumulative Impact Assessments a statutory consultation process took place between the 31st January and 25th April 2024. If the below recommendations are accepted, the reviewed Cumulative Impact Assessment, which forms part of the Statement of Licensing Policy, will ultimately go to full Council for adoption.

RECOMMENDATIONS

The Mayor and Cabinet is recommended to:-

1. Consider:
 - i. Retaining the Brick Lane CIA (Cumulative Impact Assessments), and expanding it to its southeastern edge,
 - ii. Removing the Bethnal Green CIA (Cumulative Impact Assessments)

2. Consider and agree the CIA Policy Statement, which has been reviewed in light of the consultation. The Policy Statement can be found in **Appendix One**.

The Cabinet should note paragraph 9.11 of the Policy, which states if there are no representations, the Council must grant the application in terms that are consistent with the operating schedule submitted, in line with the Council's delegated authority."

3. That the proposed Cumulative Impact Assessment, as part of the Statement of Licensing Policy will take effect from 20th November 2024 until 20th November 2027. The existing Cumulative Impact Policy, which is contained in Appendix 5 of the Statement of Licensing Policy will be rescinded on the 18th November 2024.

1. REASONS FOR THE DECISIONS

- 1.1 The Council is statutorily required to review its Cumulative Impact Assessments every 3 years. As part of the review a statutory consultation must take place.

2. ALTERNATIVE OPTIONS

- 2.1 Cabinet does have the option not to recommend the renewal of the CIAs. Cabinet further has the option of suggesting amendments to the scope of the CIAs. For the reasons set out in this report, neither option is recommended.

3. DETAILS OF THE REPORT

- 3.1 The Council's current Cumulative Impact Assessments for Brick Lane and Bethnal Green were adopted by Full Council in November 2020.
- 3.2 Tower Hamlets Council is defined as a Licensing Authority under the Licensing Act 2003. As a Licensing Authority we must review our Cumulative Impact Assessments every 3 years and publish the outcome of that review.
- 3.3 We must, as a minimum carry out the statutory consultation laid down in the Licensing Act 2003.
- 3.4 Following consultation, Cabinet must consider the revised Cumulative Impact Assessments (CIAs), which form part of the Statement of Licensing Policy. Full Council must make the final decision on whether to retain the reviewed Cumulative Impact Assessment Brick Lane and remove the CIA for Bethnal Green.
- 3.5 The Cumulative Impact Assessments (CIAs) seek to help reduce the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises is having a cumulative impact and leading to problems, which are undermining the licensing objectives:

- Prevention of crime and disorder,
- Public safety,
- Prevention of public nuisance,
- Protection of children from harm.

- 3.6 CIAs can relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 3.7 The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities. The policy produced must comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.8 The review of the Brick Lane and Bethnal Green CIAs has taken account of the legislative changes that will affect the policy. The Policy has also been updated following the consultation.

Consultation

- 3.9 All statutory consultees were consulted:
- a) the chief officer of police for the licensing authority's area,
 - b) the fire and rescue authority for that area, i.e. the Fire Brigade
 - c) The Council's Director of Public Health,
 - d) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
 - e) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - f) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
 - g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

As well as the above statutory consultees, and in connection with g) above, the main method of consultation was to direct residents and businesses to complete an online survey which was accessed via the Council's website (Let's Talk -). A printout of the page from website and online survey questions can be found in **Appendix Two**. The consultation ran from 31st January to 25th April 2024.

- 3.10 The full list of consultees is detailed in **Appendix Three**.
- 3.11 Online consultation received 318 visits, with 57 downloading the documents, and a total of 47 taking part in the survey. A Summary Report of the Online Survey Consultation can be found in **Appendix Four**.

The online survey asked 18 questions in relation to the review of the CIAs in Bethnal Green and Brick Lane. The tables below show the answers to the main important questions as a percentage for each CIA (Brick Lane and Bethnal Green).

Do you think that the Brick Lane Cumulative Impact Policy should be?					
	Retained and expanded as per the proposal detailed in the report	Retained in its current form (No change)	Retained and expanded further than detailed in the report	Retained but reduced	Removed
Brick Lane CIA (total responders = 47)	55.3%	23.4%	4.3%	6.4%	10.6%

Do you think that the Bethnal Green Cumulative Impact Policy should be??				
	Removed, as per the proposal detailed in the report	Retained in its current form	Retained and expanded	Retained but reduced
Bethnal Green CIA (total responders = 47)	40.4%	27.7%	27.7%	4.3%

- 3.12 The full Online Survey Responses Reports can be found in in **Appendix Five**. There were also fourteen (14) additional comments left by responders to the Online Survey. These additional comments can be read in their entirety in Appendix Five, however they have been tabulated in **Appendix Six**.
- 3.13 As well as the online responses, four (4) written responses were received via email. It should however be noted that one of these, which was from the Met Police Borough Commander was received after the closing date on the consultation on 3rd May 2024. This has been included in the responses as there is no clear reason not to include it given it was received very shortly after the close of consultation. It is clearly relevant to the issues and could be unfair if it were excluded.
- 3.14 The responses included one resident, one resident's association and two responsible authorities. All four of them were in support of CIAs, however only two of the responses specifically mentioned whether they were in support of removal of the Bethnal Green CIA and retention of expansion of the Brick Lane CIA. Furthermore, two of these mentioned having another CIA around Ezra Street and Columbia Road. These written responses can be found in **Appendix Seven**, which includes a table summarising them.
- 3.15 As part of the consultation process the review of the Cumulative Impact Assessments (CIAs) was presented the Community Safety Partnership (CSP)

meeting on 20th February 2024. CSP requested meetings to be held with Responsible Authorities. These meetings were held on 15th and 18th March 2024. Except for Public Health, no other responsible authorities invited attended these meetings.

Request for New/Extension of CIAs

Hackney Wick (New)

- 3.16 During the meeting with CSP on 20th February 2024 and at the meeting on 7th May 2024 Hackney Wick was raised in terms of whether a CIA could be introduced into this area. The Partnership group was advised that the current evidence does not support the introduction of the CIA within this area. **Appendix Eight** (Report: Review of the Cumulative Impact Policies (Licensing) in Brick Lane and Bethnal Green) contains hotspot maps produced from crime and 101 calls statics from the Metropolitan Police. These maps show the hotspots from crime and 101 calls in Brick Lane and Bethnal Green CIAs are far higher than Hackney Wick. Moreover, the saturation of Licence Premises is less than the level of Bethnal Green CIA (approximately 48 premises), which this report is recommending to removed.

Although a CIA is not justified in this area the Council including, Regulatory Services (Commercial), Community Safety, and Parking are working with the Met Police to consider measures to prevent crime and disorder becoming a problem in this area.

Columbia Road and Bethnal Green (Extensions)

- 3.17 During the Consultation some of responses requested or referred to introducing areas of Columbia Road and Ezra Street as a CIA.
- 3.18 The review of the CIAs in Brick Lane and Bethnal Green did not include any proposal to extend into the areas around Columbia Road/Ezra Street. Therefore, to add a CIA as suggested would require another statutory consultation, where the Council would need to consider if there is good evidence that, in this case, crime and disorder or nuisance is occurring within the area.

This matter was raised previously when the current CIAs for Brick Land and Bethnal Green were reviewed in 2021. During this review it was investigated whether there was sufficient evidence to support the introduction of a further CIA within this area. The evidence did not support an introduction of a CIA within this area.

- 3.19 Figures 1 to 8 in Appendix 1 of **Appendix Eight** contains hotspot maps for 2020, 2021, 2022 and 2023 (end June), which show crimes reported and calls to police linked to the licensed trade for the whole borough. These maps have been taken from the Police Crime Report Analysis and Police Calls Analysis Report. These maps show that that areas around areas around Columbia Road and Ezra Street (top left of the maps between Brick Lane and Bethnal Green CIA) do not show significant hotspot relating to crime reports or police calls (101 calls).

3.20 The Table below shows the number of Licence Applications granted in the Columbia Road and Bethnal Green extensions. Please note that there were no applications granted in 2022 and 2023 (end of June).

	2020	2021
Row Labels		
Bethnal Green extension CIZ	2	3
Hearing grant with variation	1	
Officer grant	1	3
Columbia Road extension CIZ	10	6
Hearing grant	2	2
Hearing grant with variation	3	
Officer grant	5	4
Grand Total	12	9

This table shows that in comparison with Brick Lane CIA and Bethnal Green CIA, less licences are being granted in the proposed extension areas. (see Report in Appendix Eight (Report: Review of the Cumulative Impact Policies (Licensing) in Brick Lane and Bethnal Green). Moreover, the number of Licence as a total in these areas is far less than in the current CIAs. See figures below:

- Columbia Road extension = 30
- Bethnal Green extension = 14
- Brick Lane CIA = 244
- Bethnal Green CIA = 59

Based on the above it does not appear that there is currently a saturation of licensed premises in the area.

3.21 The tables below show the complaints received by the Environmental Health and Trading Standards Service in the Columbia Road and Bethnal Green extensions between 2020 and 2023 (end of June).

Licensing Complaints

	2020	2021	2022	2023	Grand Total
Row Labels					
Bethnal Green extension CIZ	2	2	1		5
Columbia Road extension CIZ	20	18	9	4	51
Grand Total	22	20	10	4	56

Noise Complaints

	2020	2021	2022	2023	Grand Total
Row Labels					
Bethnal Green extension CIZ	1	4	2	1	8
Columbia Road extension CIZ	3	5	3	3	14
Grand Total	4	9	5	4	22

Though there is a similarity in the Columbia Road extension, this is for Licensing Complaints only and only for Bethnal Green, which this report is proposing to remove. In general complaints received in the Brick Lane and Bethnal Green CIA are considerably more than can be seen here Appendix Eight (Report: Review of the Cumulative Impact Policies (Licensing) in Brick Lane and Bethnal Green).

- 3.22 In conclusion there is not saturation of licensed premises within these proposed extensions. Therefore, with this and complaints and crime and 101 calls hot spot maps there is not sufficient evidence to support the introduction of CIAs in these areas.

Conclusion

- 3.23 The Consultation Report of the Review of the Cumulative Impact Policies (Brick Lane and Bethnal Green), found in appendix Eight outlines the evidence in regard to the CIAs, and considers figures from the crimes reported and 101 call data for Bethnal Green CIA with those in Brick Lane CIA. This shows that within the Brick Lane CIA crime and calls to the police via 101 are significantly higher than those in Bethnal Green CIA. The difference is even more apparent when looking at the hotspot maps in Figures 1 to 8 in Appendix 1 of this Report. These show the hotspot maps of the whole borough for 2020, 2021, 2022 and 2023 (end June) crimes reported, and 101 Calls received linked to the licensed trade, which have been taken from Police Crime Report Analysis and Police Calls Analysis Report. The area around Brick Lane is significantly greater in terms of saturation of licensed premises and the hotspots of crimes and calls to police linked to the licence trade than other areas of the borough including the Bethnal Green CIA. Furthermore, the Hot Spot Maps within the above-mentioned report show evidence to increase the area of the Brick Lane CIA to its southeastern edge.
- 3.24 Considering the above and the consultation responses there is sufficient evidence to retain and expand the CIA in Brick Lane. Conversely, there is insufficient evidence to retain the CIA around Bethnal Green.
- 3.25 Finally, it should be noted that the Brick Lane CIA was expanded in 2018 on its northwestern edge in order to meet with the London Borough of Hackney's Shoreditch CIA.

4. EQUALITY IMPLICATIONS

- 4.1 There are no adverse equalities implications.

4. **OTHER STATUTORY IMPLICATIONS**

- 4.1 Best Value: recent legislation, such as the Localism Act 2010 has encouraged communities and the Local Authority to work in partnership. The Cumulative Impact Assessment in Brick Lane will assist in a reduction of enforcement and regulatory action, thus reducing costs for these Services.
- 4.2 Risk Management: there will be two days, 18th and 19th November 2024, where the Council will effectively not have a Cumulative Impact Policy. This means that there will be no rebuttable presumption that an application being heard by the Licensing Sub-Committee will be refused unless it can be shown that there will be no negative cumulative effect on the licensing objectives in the CIAs. However, residents and responsible authorities can still use the evidence supporting the CIA for Brick Lane within their objections to applications within this CIA zone.
- 4.3 Crime Reduction: One of the key licensing objectives this policy considers is the prevention of crime and disorder associated with Licensed Premises. The policy supports and assists with crime and disorder reduction by placing greater controls upon those licences that are granted in the CIA. This is achieved by licences having more stringent license conditions added by either the applicant or the Licensing Sub-Committee.
- 4.4 Safeguarding: The Statement of Licensing Policy which this Policy is an appendix of, takes into account the safeguarding of children and violence against women and children.

5. **COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 5.1 There are no additional resource implications arising from this report. Resources required to fulfil Councils duties in respect of Licensing process and Cumulative Impact Assessments will be met from existing budgets.

6. **COMMENTS OF LEGAL SERVICES**

- 6.1 Section 4(1) of the Licensing Act 2003 (“the Act”) requires licensing authorities to carry out their functions under the Act with a view to promoting the four licensing objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; the protection of children from harm.
- 6.2 Section 5 requires the authority to publish a statement of licensing policy every five years. The current policy came into force on 1st November 2023 and will last until 31st October 2028.
- 6.3 Section 5A of the Act permits an authority to publish a cumulative impact assessment stating that it considers the number of relevant authorisations (premises licences and club premises certificates) in respect of premises in one or more parts of its area as described in the assessment is such that it is likely that the grant of further relevant authorisations in respect of premises in

that part or those parts would be inconsistent with its duty under section 4(1). Section 5A(7) provides that where a licensing authority has published a cumulative impact assessment it must, within three years, consider whether it remains of the opinion stated in the assessment. Essentially, this means that it is the concentration of licensed premises in an area giving rise to an impact on one or more of the licensing objectives, rather than being capable of being attributed to any specific licensed premises. The effect of such a policy, if approved, is to reverse the presumption in favour of granting an application relating to a premises within the area. The applicant is required to demonstrate that the grant of their application will not adversely impact upon one or more of the licensing objectives. It should be noted that this does not negate the need for a relevant representation to be made in order to engage the policy. If no such representation is made, the application would fall to be granted under delegated powers.

- 6.4 Before deciding whether it remains of that opinion, the licensing authority is required to consult with the statutory consultees listed in s.5(3), which includes the chief officer of police for the area, the fire and rescue authority, those who the authority considers to be representative of holders of premises licences, personal licences and club premises certificates issued by the authority, and such other persons as the licensing authority considers to be representative of businesses and residents in its area. The report evidences that the consultation requirements have been complied with.
- 6.5 With respect to the consultation the following principles must be applied:
- the consultation should take place when proposals are still at a formative stage;
 - the proposer must give sufficient reasons for any proposal to allow for intelligent consideration and response;
 - adequate time must be given to both consider and respond to the proposal;
 - the product of the consultation must be conscientiously taken into account when the decision is made.
- These requirements have been met.
- 6.6 If the authority is no longer of the opinion that the assessment should remain in force, it must publish a statement to that effect. If the authority's opinion is not changed, it must revise the cumulative impact assessment so as to include a statement to that effect and set out the evidence why the authority remains of that opinion. The authority must publish any revision of a cumulative impact assessment. It is noted that the recommendations are to retain and expand the Brick Lane CIZ and to remove the Bethnal Green CIZ in its entirety.
- 6.7 Paragraphs 14.20 to 14.46 of the Secretary of State's guidance issued under section 182 of the Licensing Act 2003 addresses issues of cumulative impact and the steps to be taken in both adopting an assessment and reviewing an existing assessment. Paragraphs 14.29 to 14.33 set out the need for a robust evidential basis for such an assessment. There is sufficient evidence upon which the Council can decide to extend the Brick Lane CIA and to remove the Bethnal Green CIA.

- 6.8 Section 149 of the Equality Act 2010 requires public authorities, when carrying out its functions, to have “due regard” to this duty. This requires the authority to have regard to the need:
- to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
 - to advance equality of opportunity between persons sharing a relevant protected characteristic (such as age, race, or disability) and those that do not;
 - to foster good relations between persons sharing a relevant protected characteristic and those that do not.
- 6.9 The duty does not require the authority to achieve a particular result. The duty must be considered at the time that the decision is made and must be conducted with rigour, with an open mind, and not considered to be merely a box-ticking exercise. It is noted that an Equalities Impact Assessment has been carried out and has not indicated any specific equality issues arising.
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Linked Reports, Appendices and Background Documents

Linked Report

- Lead Member 1-1 Environment and Climate Emergency - Cllr Kabir Hussain - 22 November 2023

Appendices

7. APPENDICES

Appendix One: Reviewed CIA Policy Statement
Appendix Two: Let’s Talk Consultation Webpage and Online Survey Questions
Appendix Three: List of Consultees
Appendix Four: Summary Online Consultation Report
Appendix Five: Full Online Consultation Reports
Appendix Six: Table of Online Survey Additional Comments
Appendix Seven: Written Consultation Responses and Summary
Appendix Eight: Consultation Report of the Review of the Cumulative Impact Policies (Brick Lane and Bethnal Green)
Appendix Nine: Equalities Impact Analysis Screening

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- Crime Report Analysis 2020 – 2023
- Police Calls Analysis 2020 - 2023

Officer contact details for documents:
N/A