

## **Proposal for Cumulative Impact Policy for Brick Lane Area**

### **1.0 What is a Cumulative Impact Policy and what powers does the Council have**

- 1.1 Under the Licensing Act 2003 the Council has to have and review a “Statement of Licensing Policy” which details how it will administer and enforce the provisions of the Act.
- 1.2 The Council has the power to consider the “cumulative impact” of licensed premises in any part of the Borough and make special provision for this in its Statement of Licensing Policy. Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.3 The Licensing objectives are:-
- The prevention of crime and disorder.
  - Public safety.
  - The prevention of public nuisance.
  - The protection of children from harm.
- 1.4 If the Council identifies a concern linked to a Licensing Objective it may choose to start the process towards adopting a special policy for a Cumulative Impact Zone. The process of adopting a policy is as follows:-
- a. Gather evidence and demonstrate issues are happening and are caused by customers of licensed premises or identify that the risk of cumulative impact is imminent
  - b. Define boundaries / area where problems are occurring
  - c. Consult with responsible authorities, affected businesses and residents
  - d. Determine and publish in statement of Licensing Policy
- 1.5 The effect of adopting a special policy for a Cumulative Impact Zone is to create a “rebuttable presumption” that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations. If however the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives, their application could be granted.
- 1.6 However, a special policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy.

- 1.7 If there are no representations to an application when a special policy is in force, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted. It is also a requirement that special policies should be regularly reviewed to ensure they are still relevant and needed.
- 1.8 The guidance for Local Authorities which advises on the application of its powers under the Licensing Act 2003 is clear about the limitations about the extent of cumulative impact. It advises the following:-
- a. Cumulative impact as it relates to the Licensing does not relate to need. This is an issue that is dealt with through the Planning process.
  - b. Special Policies must not be used to revoke a licence. Revocation must take place after an individual licence review.
  - c. Special Policies must not impose quotas
  - d. Other mechanisms both within and outside the remit of the licensing regime should be recognised for controlling cumulative impact
  - e. Special Policies must not state a blanket terminal hour
  - f. Special Policies must never be absolute - individual circumstances must always be considered
- 1.9 The guidance also advises that other mechanisms both within and outside the remit of the licensing regime should be recognised for controlling cumulative impact. Examples of these are:-
- a. Planning controls.
  - b. Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
  - c. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - d. Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
  - e. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
  - f. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
  - g. The power to confiscate alcohol in public places across the borough (Drinking Control Zone).
  - h. Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
  - i. The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
  - j. Other local initiatives that similarly address these problems.
- 1.10 The Council have introduced many measures to deal with Crime and Disorder within the Borough namely:

- a) Investment with the police to create the Partnership Task Force, 21 Officers
- b) Second round of 18 Police Officers to commence in November 2012
- c) Creation of the Police Town Centre Team
- d) Introduction of a Drinking Control Zone
- e) Introduction of the Tower Hamlets Enforcement Officers who from September 2011 to August 2012 made 2146 alcohol seizures, an 89 per cent rise on the previous year. They also made 115 street urination prosecutions and served 20 Noise abatement notices over the last 12 months in Brick Lane and the surrounding area.
- f) Licensing reviews undertaken and extra conditions imposed on licences to reduce anti social behaviour.

## **2.0 Cumulative Impact Proposals for the Brick Lane Area**

- 2.1 The Police in Tower Hamlets have expressed a desire to formulate a special policy on cumulative impact for Brick Lane and its immediate environs.
- 2.2 Over the last decade, Brick Lane has developed into one of London's major night time economies. Brick Lane attracts not only Londoners to the area but many tourists, especially young foreign students who have read about the vibrant night life in and around the Truman Brewery. Others are attracted by the many curry restaurants in the street.
- 2.3 Brick Lane and its environs have the highest concentration of licensed premises in Tower Hamlets. This continued development and increased number of restaurants, late night takeaways, off licences and bars, have now placed a considerable strain on police resources and also that of other responsible authorities.
- 2.4 This has lead to alcohol related violence, public disorder and anti-social behaviour (ASB). Some may be considered "low level" ASB but actions such as urinating in the street or groups of foreign students playing drums into the early hours of the morning has a debilitating effect on the local residents and blights their home lives.
- 2.5 A special policy on cumulative impact is an important strand in a range of policies to promote and support the delivery of three of the four licensing objectives, namely:-
  - a. The prevention of crime and disorder
  - b. The prevention of public nuisance
  - c. Public safety
- 2.6 The Police in Tower Hamlets advocate that the proposed policy would include all licensed premises. It is not usual to include off licences in a special policy but there is an association in Brick Lane that off licences are linked to some of the disorder in the area. There are nine off licences in the area. Some of these are open after the nearby pubs and clubs have closed. As a result, people congregate outside the premises and the continued access to alcohol

only increases ASB. It often leads to people sitting in surrounding streets disturbing the residents whether it is by continuing their partying or committing disorder. Although a special policy will not directly affect the current off licences in this area, it will play a very important role in any future applications including variations. This is similarly true of late night eateries, especially chicken shops.

- 2.7 The Borough's Police would like a special policy to be adopted for the Brick Lane area. It will maintain a balance between the importance of the night time economy and the concerns of the Metropolitan Police and local residents.
- 2.8 Whilst it is important to support a vibrant economy in Tower Hamlets the balance has to be struck between an uncontrolled expansion of licensed premises and what follows and the need to ensure public safety, quality of life for local people and prevention of crime and disorder.
- 2.9 It is clear that over recent years the development of Brick Lane into a tourist attraction has seen considerable investment to draw people into the night economy. With this comes large numbers of visitors, crowded places and a crime hotspot with issues related to alcohol. This needs to be managed at a strategic level and the special policy proposal would be an essential tool in focusing attention on getting the balance right.

### **3.0 Context, Scope and Evidence**

- 3.1 The evidence provided to support this proposal has been produced by the Police and the Council's Safer Communities Services.
- 3.2 The evidence provided is as follows:-
- a. An overview of the premises licensed under the Licensing Act 2003 across the Borough
  - b. The proposed area where the special policy for cumulative impact will apply
  - c. Brick Lane demographics
  - d. Comparative crime statistics for the Brick Lane area to show trend and hot spots.
  - e. Links with violent crime in wards surrounding Brick Lane
  - f. Comparative Anti Social Behaviour statistics for the Brick Lane Area
  - g. Comparative Alcohol Related Harm statistics
  - h. Current CIZ's in London.

### **4.0 Licensing Overview for Tower Hamlets**

- 4.1 Tower Hamlets has an area of just over 19 sq km. It is the 6<sup>th</sup> smallest Local Authority area in England and London. Located within Tower Hamlets are **909** venues with premise licenses and these venue types can be broken down into the following categories;

<b>Licensed Premises in Tower Hamlets</b>	
<b>Premises Category</b>	<b>Number of Premises</b>
Church / Community Organisations	7
Members / Social / Sports Clubs	26
Pub / Night Club / Wine Bar	190
Restaurant / Café	312
Nightclub	9
Off Licences / Grocers / Shops	245
Hotel / Arts / Cinema / Conference	48
Office / Catering / Commerce	28
Takeaways	39
Educational	8
Other	22
<b>Total</b>	<b>909</b>

- 4.2 The two main geographical areas for licensed premises are concentrated are the Brick Lane and Canary Wharf Areas.
- 4.3 The map below (Figure 1) shows the location of the licensed premises within Tower Hamlets with the two key high concentration locations of **Brick Lane** (blue area) and **Canary Wharf** (green area) highlighted.



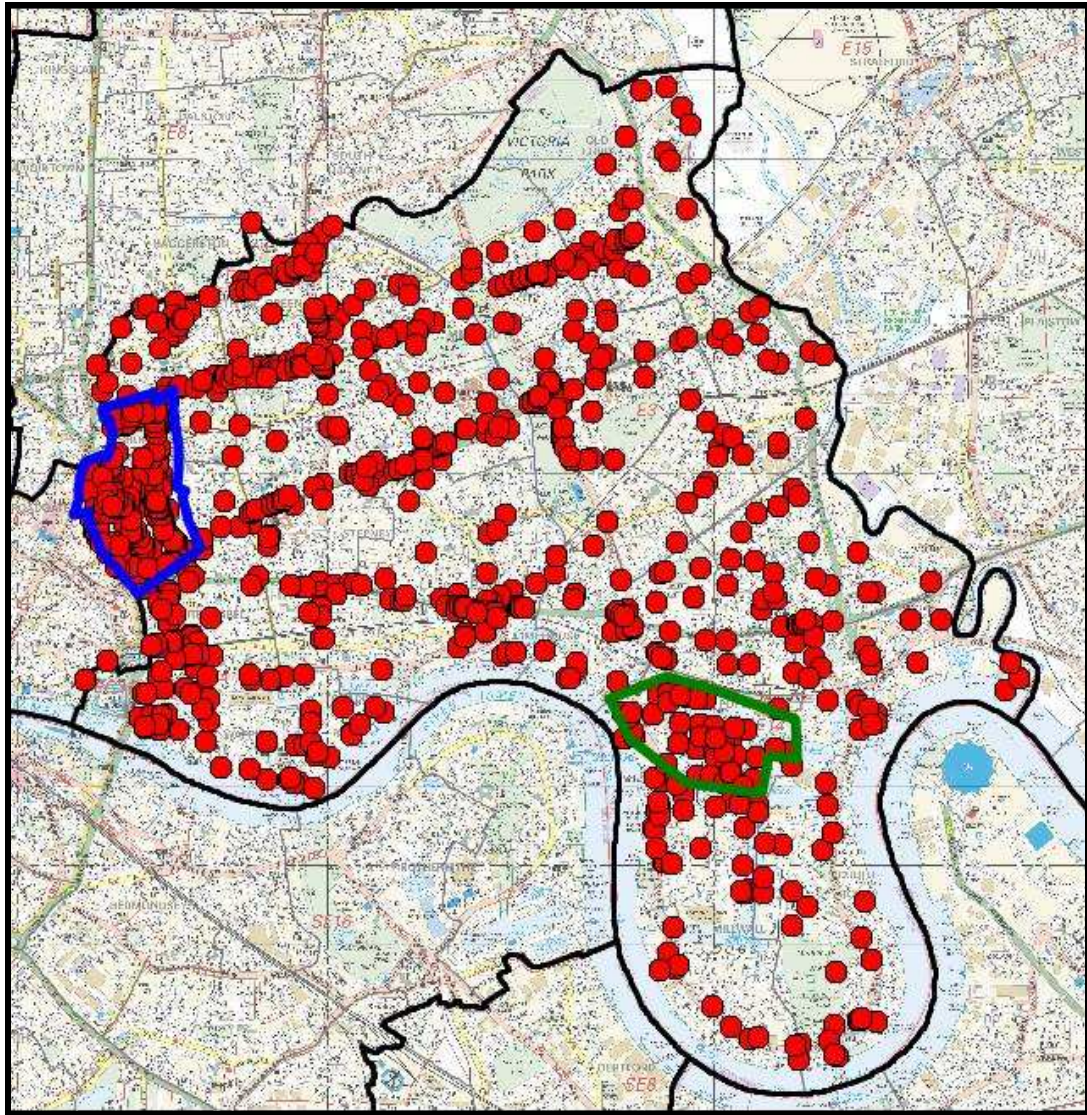


Figure 1

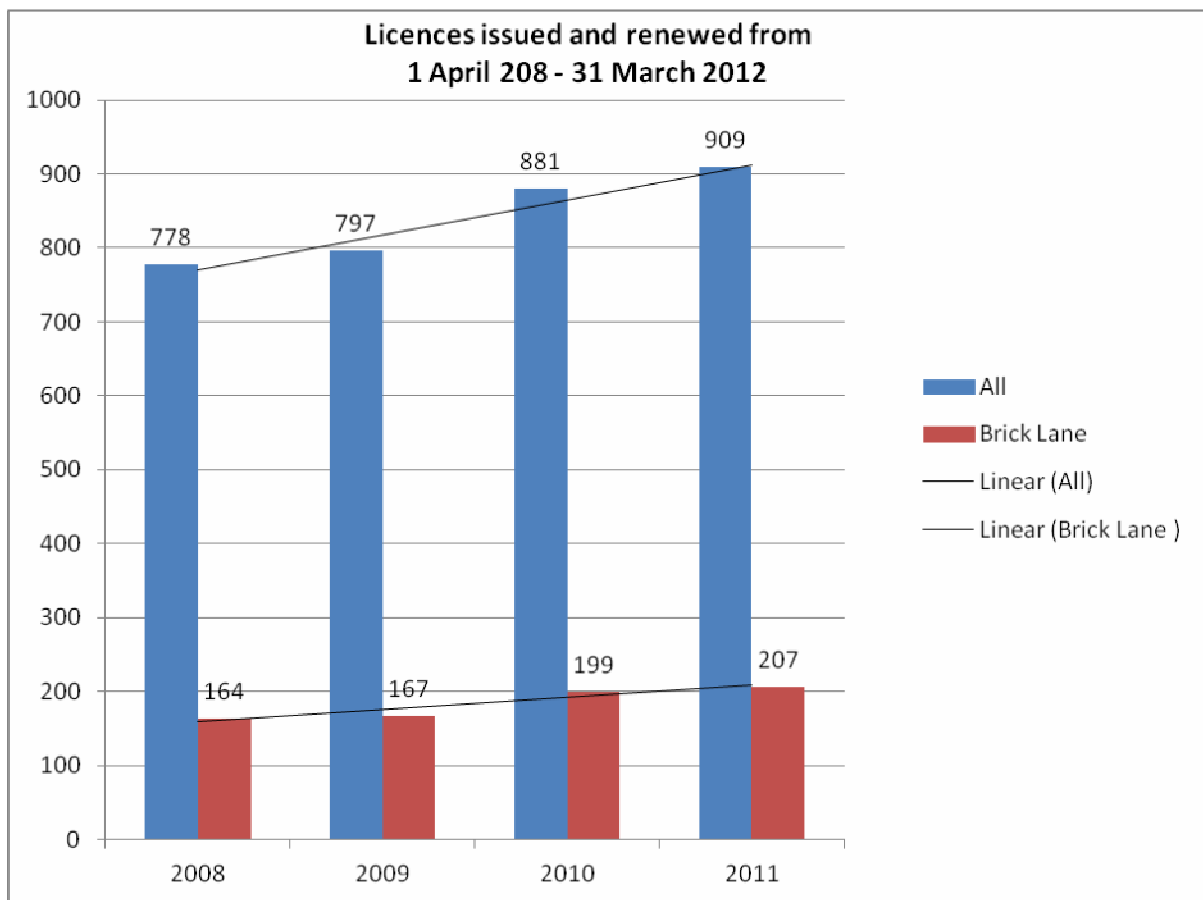
4.4 The 207 premises in the proposed Brick Lane Saturation Zone can be broken down into the following categories.

<b>Licensed Premises in the Brick Lane Saturation Area</b>	
<b>Premises Category</b>	<b>Number of Premises</b>
Church / Community Organisations	4
Members / Social / Sports Clubs	1
Pub / Night Club / Wine Bar	31
Restaurant / Café	117
Off Licences / Grocers / Shops	28
Hotel / Arts / Cinema / Conference	14
Office / Catering / Commerce	0
Takeaways	4

Educational	<b>3</b>
Other	<b>0</b>
<b>Total</b>	<b>207</b>

4.5 The proposed saturation area accounts for 22.8% of all licensed premises in the Borough. The proposed saturation area is 2.85% of the total area of the Borough.

4.6 The chart below (Figure 2) shows that the number of annual premises licences that are operational for the Borough and in the Brick Lane area. The number of licences is shown to be steadily increasing both in the Borough as a whole and in the Brick Lane area



(Figure 2)

## 5.0 The Proposed Brick Lane Cumulative Impact Zone

5.1 The proposed Cumulative Impact Zone area is detailed in the map below (Figure 3). The map shows all of the premises (red dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The proposed area is defined by the blue line.



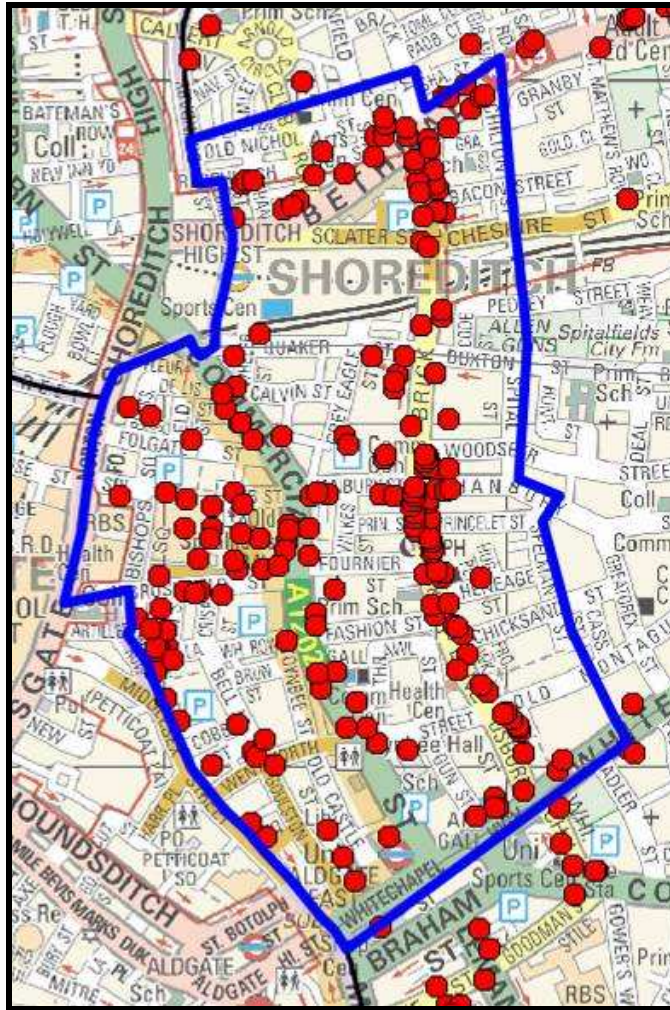


Figure 3

## 6.0 **Brick Lane Profile**

- 6.1 In the north west of Tower Hamlets are the busy commercial and residential wards of Weavers and Spitalfields & Banglatown. Brick Lane runs down the spine of these two wards. Brick Lane's thriving night time economy is its main attraction to visitors from within and outside the Borough.
- 6.2 Brick Lane houses a large number of licensed venues, clubs and restaurants, predominantly clustered around the Truman Brewery, drawing large crowds. Its proximity to the City's commercial centre means that the population of this area can increase dramatically after offices close. In addition, large volumes of tourists visit the area during peak summer months.
- 6.3 There are several key transport hubs in the area making Brick Lane and its immediate environs readily accessible. The main access point is Liverpool Street train and underground stations which draw an increasingly high volume of people from across the UK with over 57 million using the train station alone during 2007/08 [Office of Rail Regulation statistics] linking to commuters and airports. In addition, there is a nearby underground station at Aldgate East. In May 2010, a new underground station opened at the northern end of Brick Lane (Shoreditch High Street – East London Line) which is linked to the London overground network.



- 6.4 This is likely to increase the number of visitors to the area.
- 6.5 The southern half of Brick Lane is populated with restaurants, many serving as licensed premises. Touting remains a problem in these areas with some of these venues employing 'touts' to persuade customers inside.
- 6.6 There is also evidence of links between this Touting activity, drug dealing and violent crime.
- 6.7 Brick Lane and Spitalfields has been a centre for prostitution in London for centuries and during 2009-2010, the area around Commercial Road accounted for the majority of prostitution related offences on the Borough.
- 7.0 **Overview of Alcohol Related and linked Crime in the Brick Lane Area**
- 7.1 There is a well established link between alcohol and violent crime. This manifests in higher levels of violent crime where there is a strong night time economy and higher levels of alcohol consumption.
- 7.2 The hotspot maps (Figure 4 and 5) below show Street Drinking complaints to the Police for the periods, April 2010– March 2011 and April 2011– March 2012 shows 3 main hotspots with the largest and most noticeable in the proposed Brick Lane Cumulative Impact Zone. The proportion of the Borough's total calls for the Brick Lane area was for the two periods 13% and 12% of the complaints received.

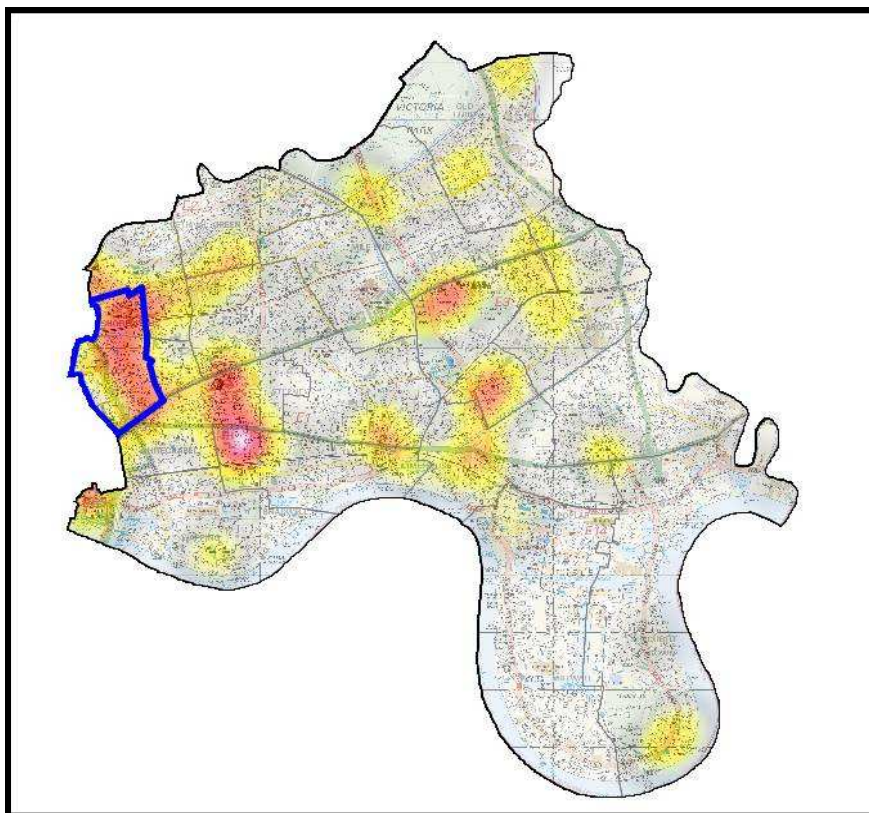


Figure 4

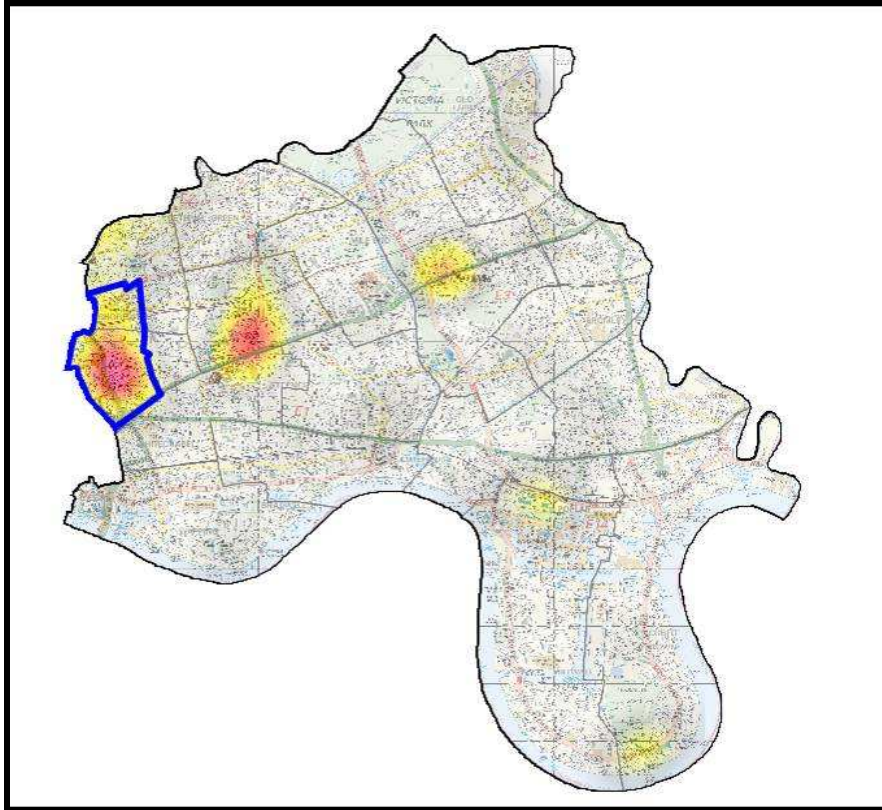


Figure 5

7.3 The next hotspot maps (Figures 6 and 7) for the Borough shows calls made to the Police about Licensed premises for the periods April 2010 – 2011 and April 2011 – March 2012. The proportion of total calls in the Borough calls emanating from premises in the proposed Brick Lane Cumulative Impact Zone for these periods were 18 and 22% respectively.

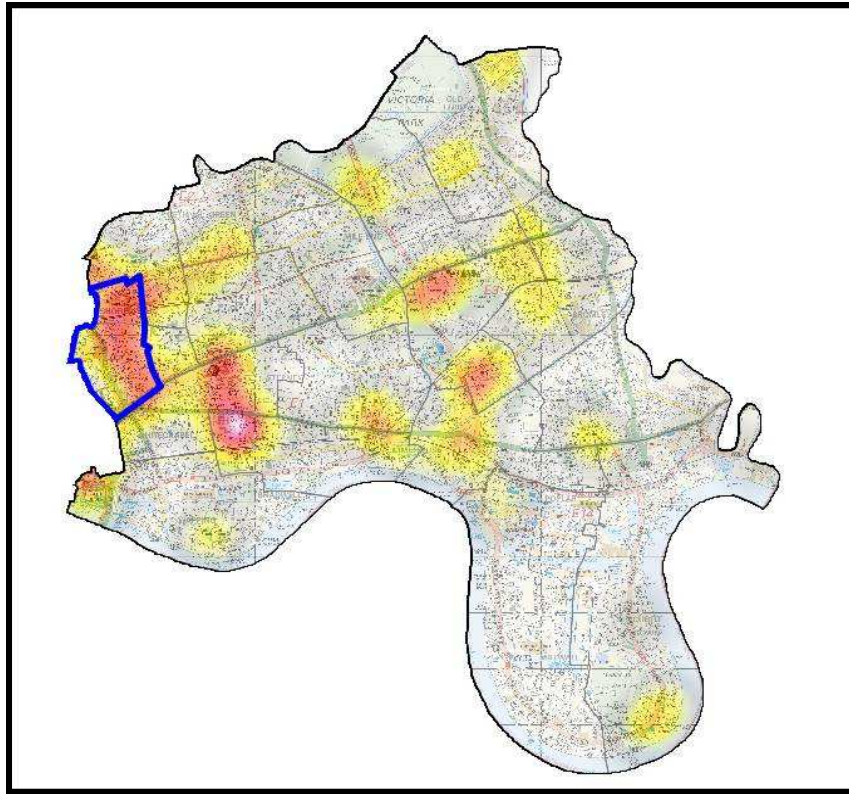


Figure 6

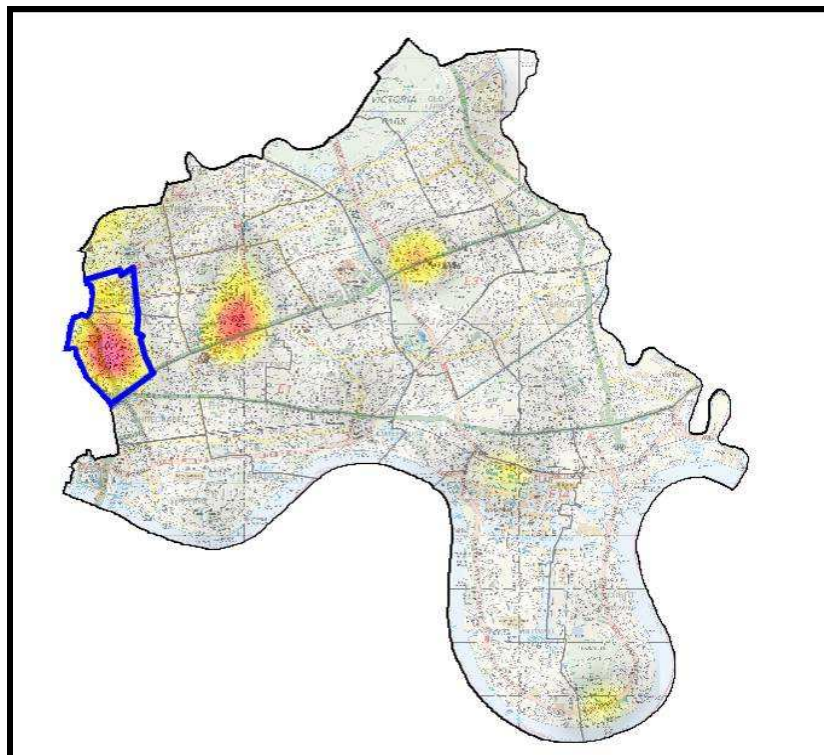


Figure 7

7.4 The map below (Figure 8), produced by the Police, shows the wards with the highest rates for Violence Against the Person (VAP) offences for the period April to March 2012. The busiest ward for VAP was Bethnal Green South.

Other busy wards were Whitechapel, Spitalfields & Banglatown (circled) and East India & Lansbury, Millwall and Limehouse. This map is also reflective of the past five financial years with Bethnal Green South the busiest ward for these periods. It is apparent that the wards that contain and surround the Saturation Policy Area are the busiest wards for violence against the person offences. There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area,

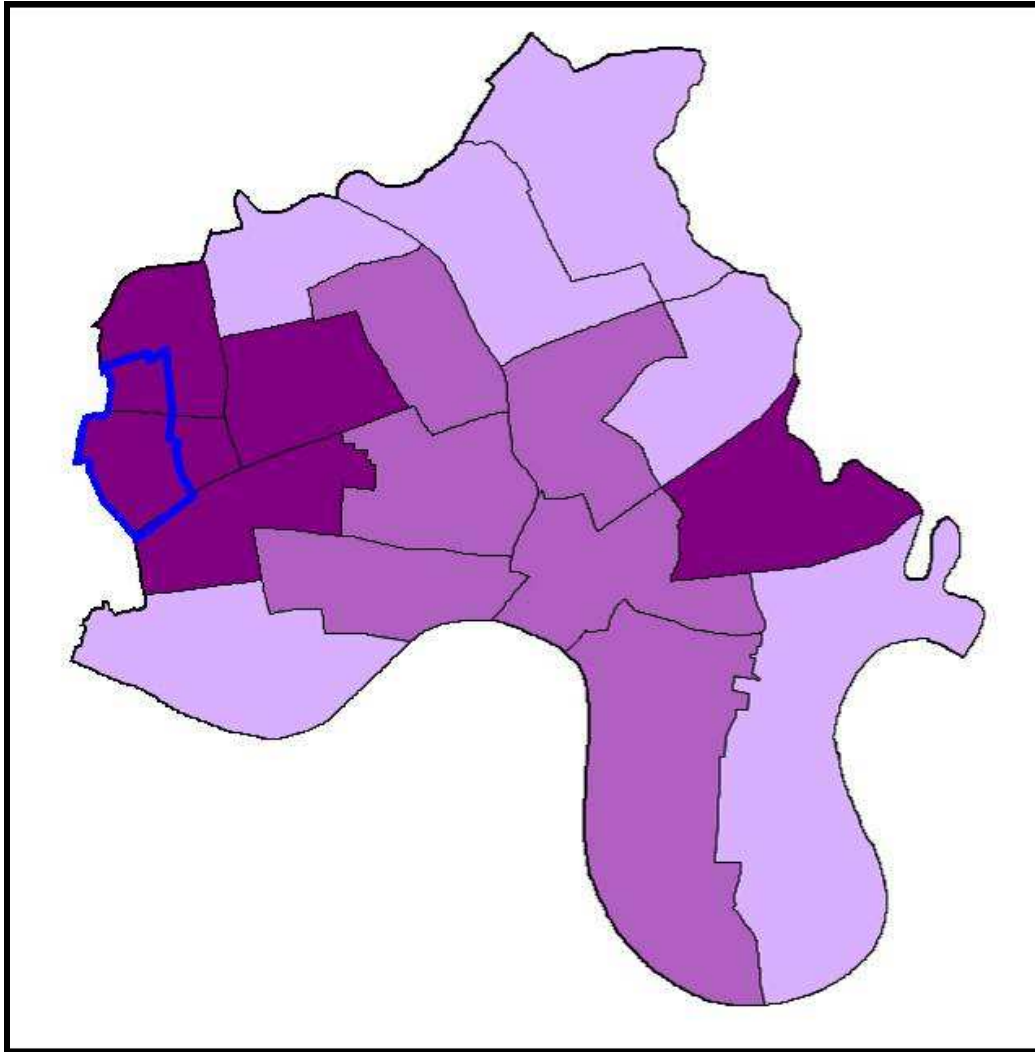


Figure 8

- 7.5 A study of the proposed Saturation Policy area was conducted to look at crimes within the area for the following time periods, calendar years 2007, 2008, 2009 2010 and.2011.
- 7.6 Six crime types were looked at for these periods to see if increases had been seen in the area during this five year period. The crime types looked at were:-
- Total Notifiable Offences (all offences)
  - Criminal Damage
  - Drug Offences
  - Robbery
  - Sexual Offences
  - Violence Against the Person



7.8 The graph (Figure 9) below shows all Notifiable Offences. Apart from a peak in 2007 there has been there has been a steady year on year increase from 2008

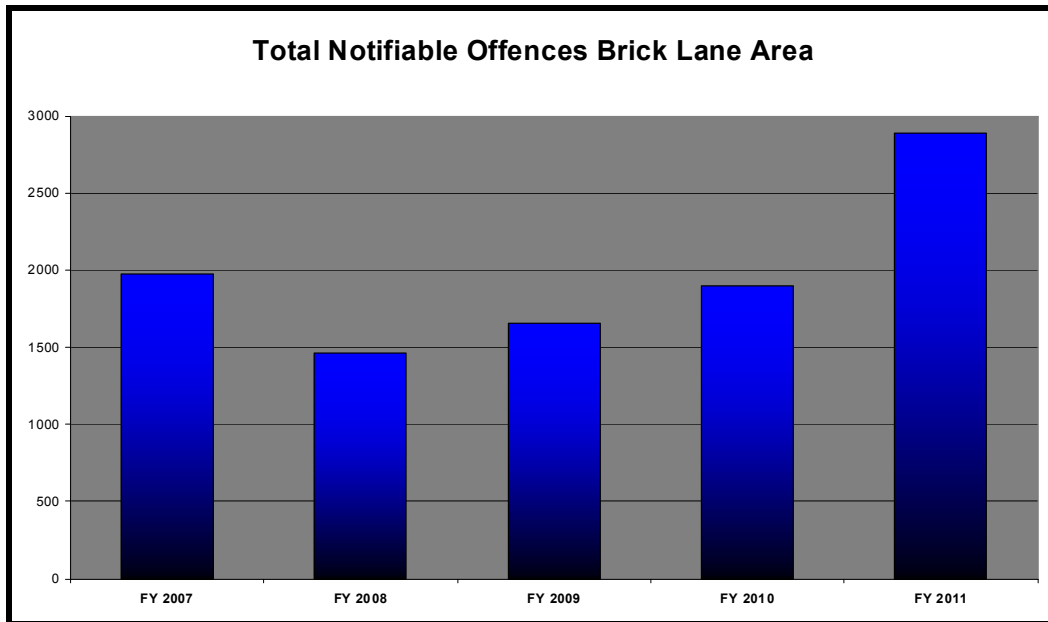


Figure 9

7.9 The graphs below (Figures 10,11,12, 13 and 14) show the criminal damage, drug, robbery sexual and violence against the person offences for the Brick Lane saturation area. The data shows that :-

- Since 2008 criminal damage offences have increased year on year.
- Since 2007 drug related offences have dramatically increased
- In 2011 there was a dramatic increase in robberies
- Apart from a significant decrease in 2010 there has been a steady increase in sexual related offences
- Since 2007 there has been a steady rise in violence against the person offences

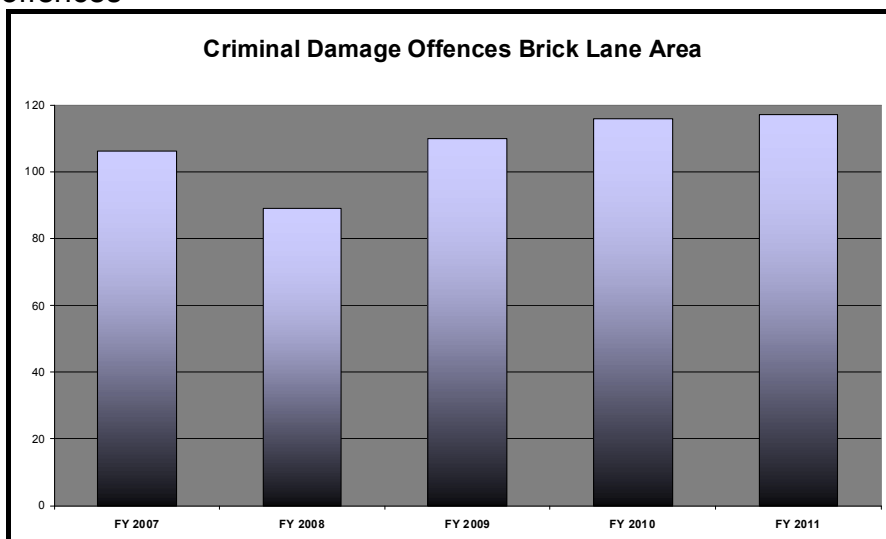
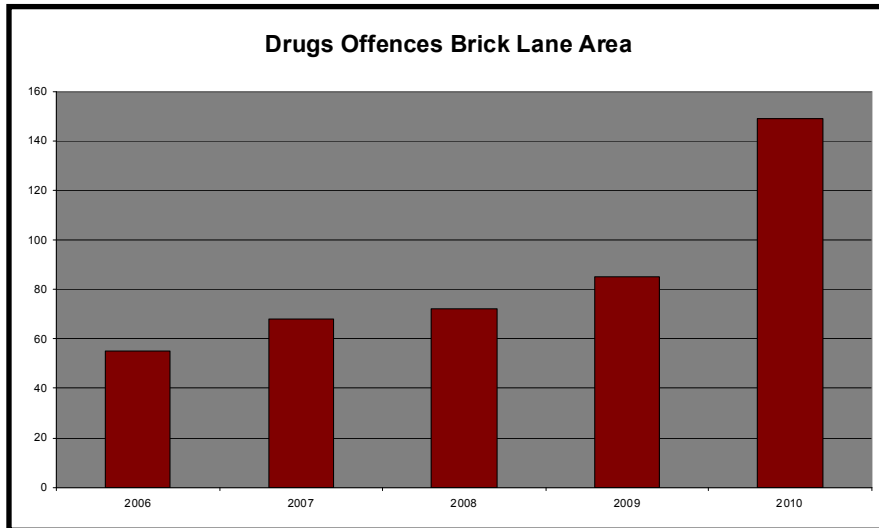
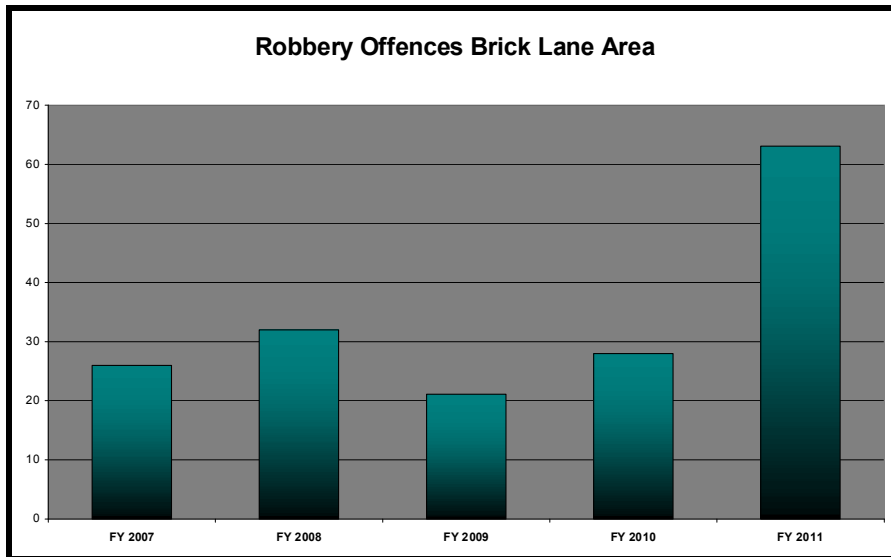


Figure 10

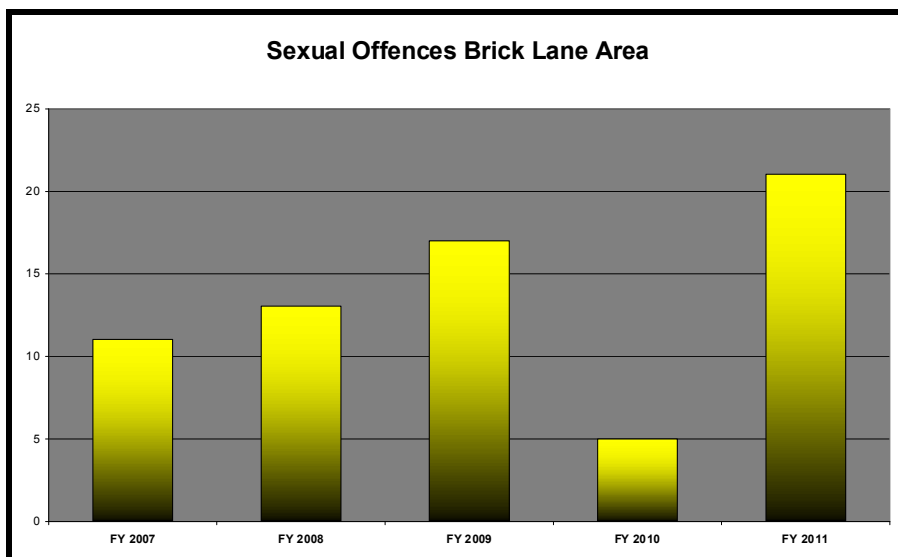




*Figure 11*



*Figure 12*



*Figure 13*

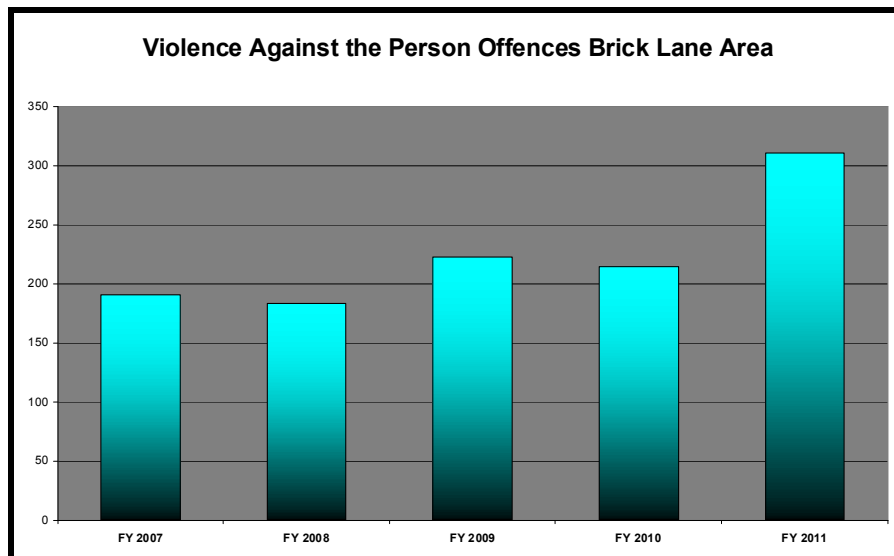


Figure 14

## 8.0 Overview of Anti Social Behaviour in the Brick Lane Area

8.1 The most recent data from the Police shows that Tower Hamlets has experienced decrease in complaints to the Police about Anti Social Behaviour. The chart below (figure 15) shows the different ASB categories and the respective changes ( RED = increase, GREEN = decrease). In 2011/12 there was nearly a 12% reduction in complaints. However overall the level of ASB complaints remain quite high.

ASB Category	2010/2011	2011/12	% change
Abandoned vehicles	340	175	-49%
Animal Problems	614	238	-61%
Begging / Vagrancy	339	267	-21%
Fireworks	219	309	41%
Littering / Drugs Paraphernalia	64	41	-36%
Malicious Communications	1591	1592	0%
Noise	1199	1280	7%
Nuisance Neighbours	1737	1357	-22%
Prostitution Related Activity	266	231	-13%
Rowdy / Inconsiderate Behaviour	16690	14889	-11%
Street Drinking	276	75	-73%
Trespass	253	241	-5%
Vehicle Nuisance / Inappropriate Use	738	749	1%
	24326	21444	-11.85%

Figure 15

8.2 The two maps (Figure 16 /17) below from LBTH Safer Communities data shows a 24 month (April 2010 to March 2012) Anti Social Behaviour Hotspot Map with the location of Pubs/Bars shown. The maps demonstrate the link between the concentration of licensed premises in the Brick Lane area and the highest rates of Anti Social behaviour

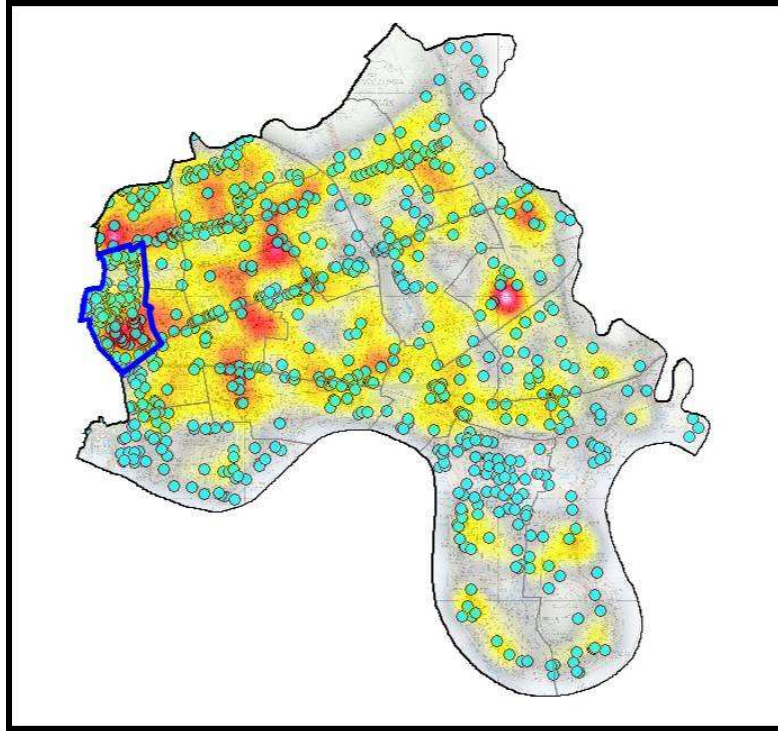


Figure 16

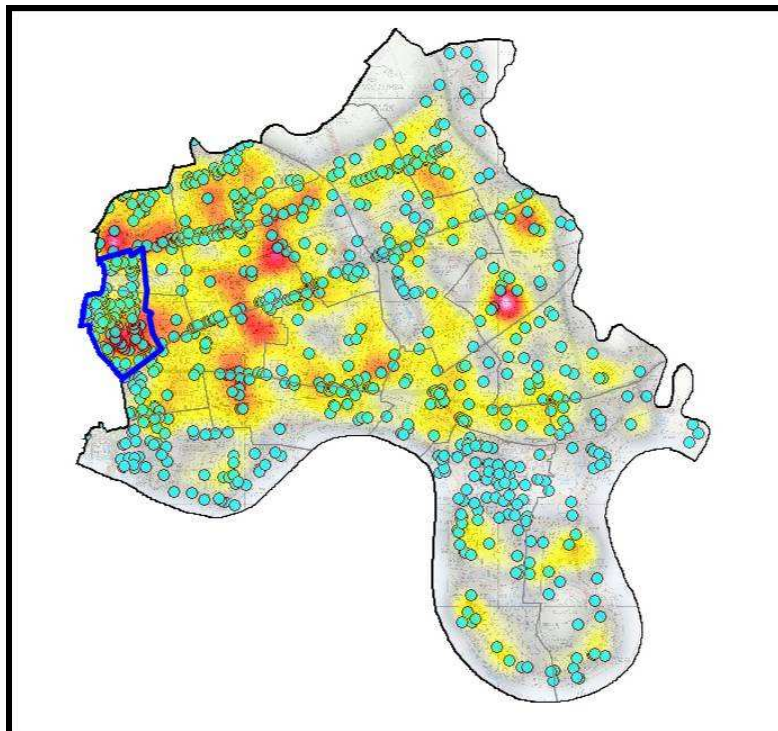


Figure 17

8.3 Data from the LBTH Anti-Social Behaviour Hotline also supports and correlates with the Police CAD. The graph below (Figure 18) demonstrates the steady and significant increase in Anti-Social Behaviour Calls from 2009 –March 2011. From April 2011 to March 2012 however there has been a decline in ASB complaints. This is in the main due to the implementation of the Borough’s Drinking Control Zone and the increased high visibility enforcement of the Police and the Tower Hamlets Enforcement Officers

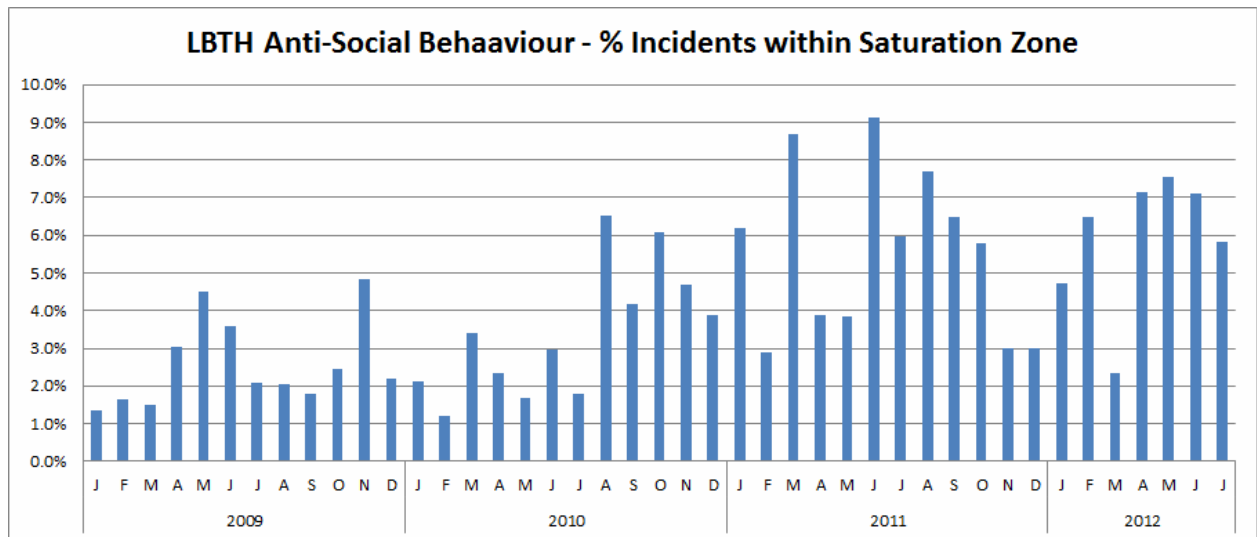


Figure 18

8.4 Due to the high concentration of licensed premises, the continued development and increasing number of restaurants, late night takeaways, off licences and bars there continues to be a significant levels of Anti-Social behaviour within the Brick Lane area.

8.5 Although a CIZ will not directly affect the current venues in this area, it will play a very important role in any future applications including variations and a key strand within the CIZ is the prevention of public nuisance.

## 9.0 Alcohol Related Harm in the Brick lane Area

9.1 This chart below (Figure 19) shows Tower Hamlets' measure for each indicator for Alcohol Related Harm, compared with the regional and English averages. When looking at specific measures, Tower Hamlets shows a significantly worse prevalence in the following categories;

- a. Alcohol Specific Male Hospital Admissions
- b. Alcohol Attributed male Hospital Admissions
- c. Admission Episodes for Alcohol Attributed Conditions
- d. Alcohol Related Recorded Crimes
- e. Alcohol Related Violent Crimes
- f. Alcohol Related Sexual Offences

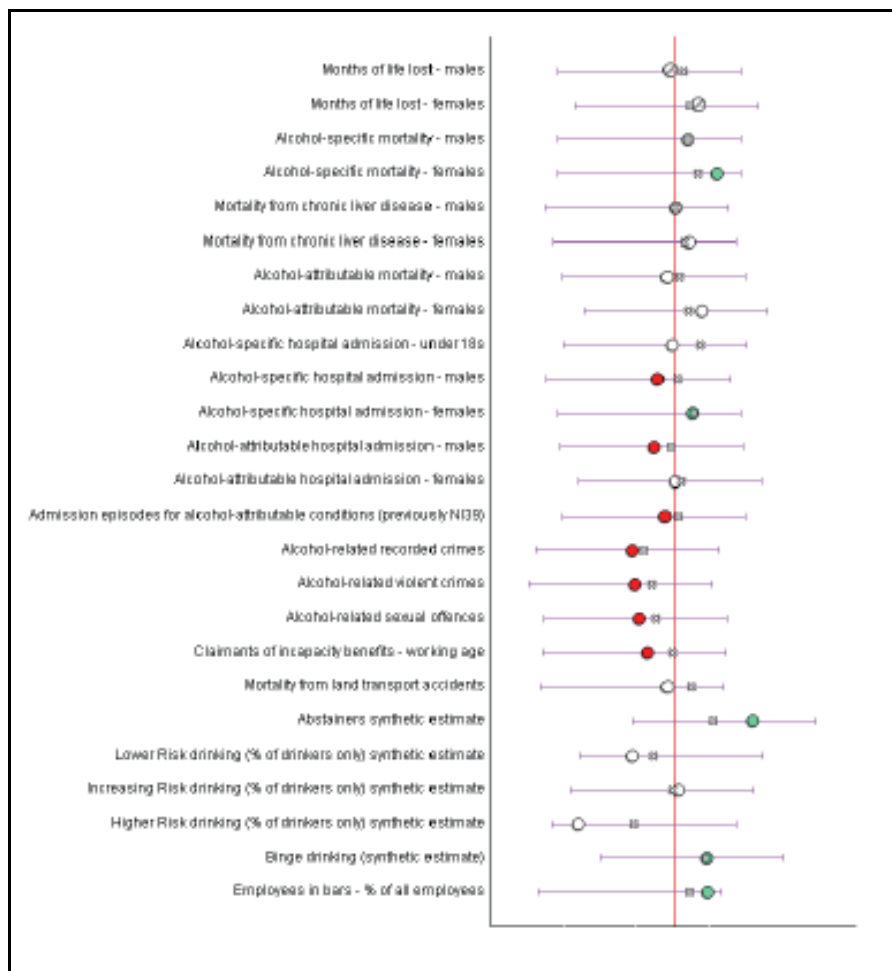
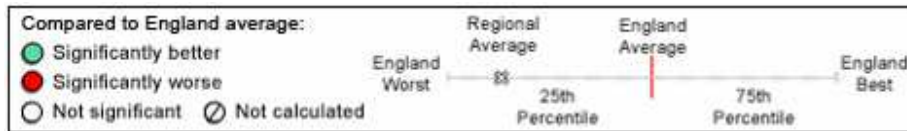


Figure 19



- 9.2 This next part of this section uses data produced by the London Ambulance Service to show the increase in alcohol related call outs in the Brick Lane area and the disproportionately high levels. Also demonstrated is the link between Alcohol Related Harm and the number of licensed premises
- 9.3 It is difficult for the Police to give exact numbers of Violent Incidents around Brick Lane area as under reporting of violence within all night time economy areas is generally accepted to be higher than available data suggests. Less serious incidents are unlikely to attract police attention or warrant A&E attendance, and so often go unrecorded. The 'hidden' figure of violence, especially violence occurring inside pubs and clubs, is substantial (Shepherd and Brickley, 1996). Other research suggests that in 2003 A&E Data boosted the number of violent incidents by police data by 16%. It may be that venue staff are reluctant to report violence occurring on their premises for fear of inviting negative police attention and license revocation.
- 9.4 The chart below (Figure 20) shows alcohol related ambulance callouts within the proposed Brick Lane Cumulative Impact zone. The data runs from January 2004 to Feb 2012. There is a clear correlation between the increasing number of licensed premises and the number of ambulance callouts.

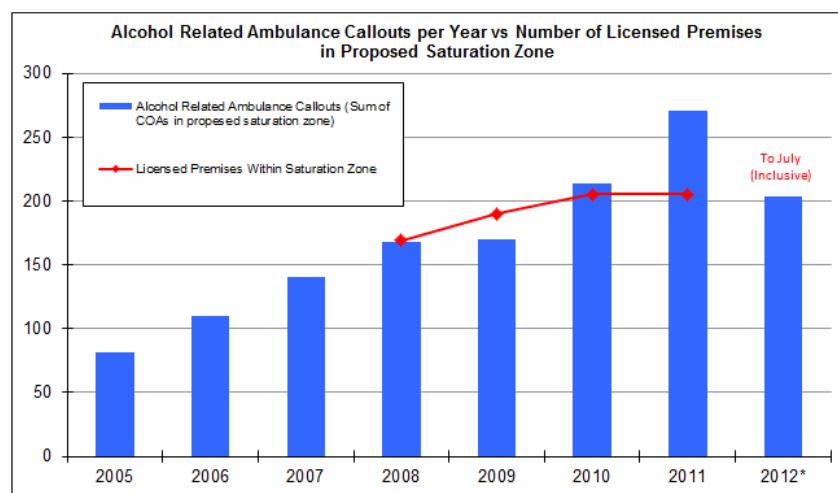


Figure 20

- 9.5 The charts below (Figures 21,22 and 23) shows the increasing number alcohol related calls year on year ambulance callouts in the Borough. It also demonstrates that whilst the overall call out rate has increased by 47.4% since 2005 it has increased by 333% in the Brick Lane area.

Alcohol Related Ambulance Callouts			
Year	In Proposed Saturation Zone	Borough Total	% in Proposed Saturation Zone
2005	81	1,315	6.2%
2006	110	1,387	7.9%
2007	140	1,698	8.2%
2008	168	1,670	10.1%
2009	170	1,703	10.0%
2010	214	1,834	11.7%
2011	270	1,939	13.9%
2012*	203	1,218	16.7%

*\*To July (inclusive)*

Figure 21

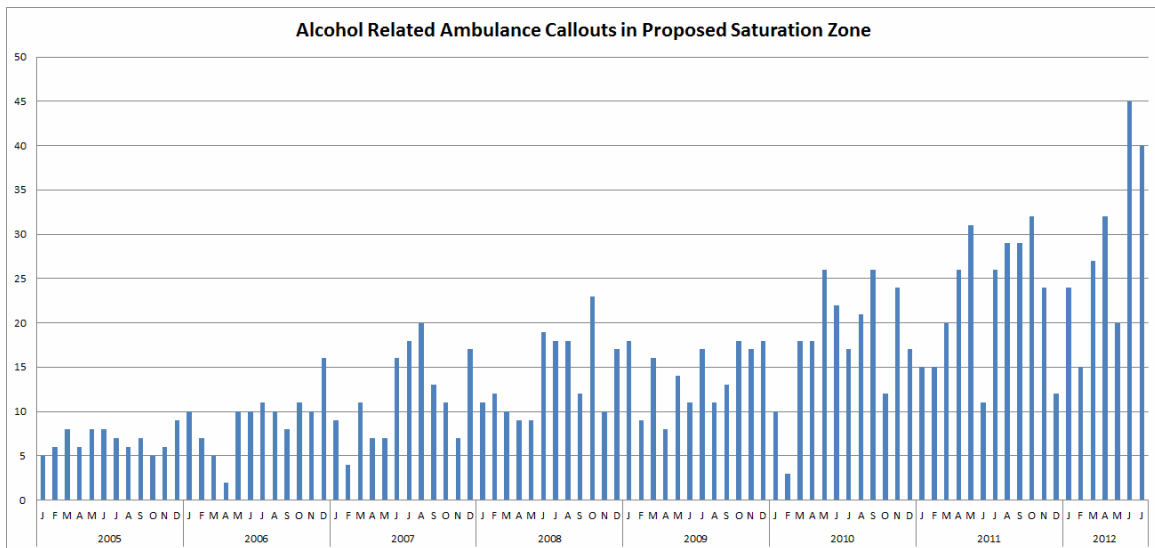


Figure 22

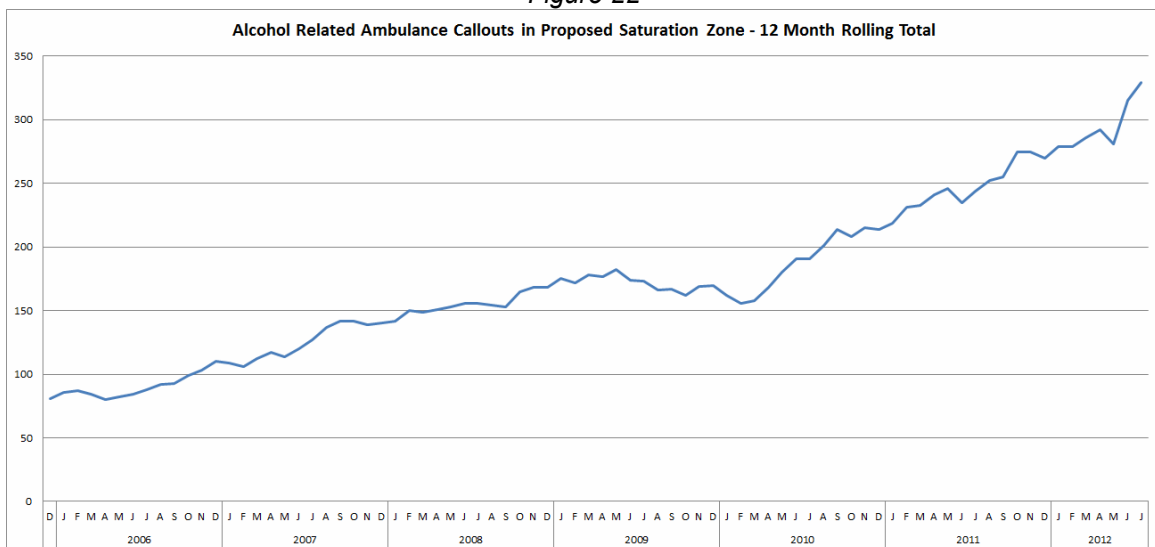


Figure 23

## 10.0 Other Cumulative Impact Areas in London

- 10.1 Cumulative Impact Areas are a widely used tool by many Local Authorities and more are applying for such Zones.
- 10.2 The latest figures available show that there are 134 Cumulative Impact Areas within England and Wales. 29 areas are in the London Boroughs. The indications are that the introduction of Cumulative Impact Areas effective in stabilising the stress and problems caused by high numbers of licensed premises in a confined area. The London Boroughs that have implemented special policies are as follows:-

London Boroughs	Number of Cumulative Impact Areas
Croydon, Redbridge and Hackney	1
Bromley, Camden, Lewisham, Ealing, Merton and Richmond	2
Bexley, Westminster and Southwark	3
Greenwich	5

- 10.3 The map below (Figure 24) also shows the location of Cumulative Impact Areas in London.

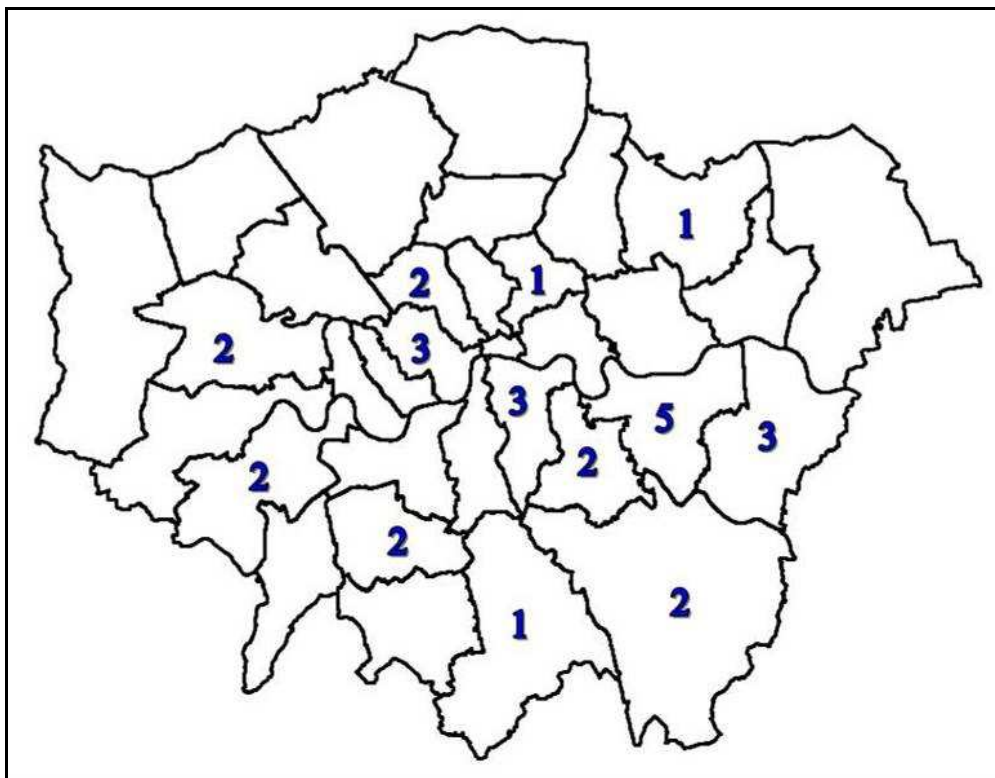


Figure 24

## 11.0 **Conclusions**

- 11.1 The proposed Cumulative Impact Area for Brick Lane is required because :-
- There are already over 207 Licensed Premises within this small area (22.8% of all premises within Tower Hamlets).

- b. The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime)
  - c. It is responsible for 8% of all crime within Tower Hamlets.
  - d. There has been a steady increase in Notifiable offences
  - e. There has been a steady increase in criminal damage and drug offences
  - f. It is responsible for the highest level of complaints about street drinking
  - g. 22% of all police calls to Licensed premises are in the Brick Lane Area
  - h. There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area.
  - i. The highest rates of ASB in the Borough are in the Brick Lane Area
  - j. ASB is now decreasing in the Borough and Brick Lane Area but it still is at unacceptably high levels
  - k. LBTH has significantly worse alcohol related harm indicators compared with regional and national averages
  - l. There is a steady increase in ambulance call outs in the Brick Lane Area
- 11.2 The Brick Lane Area has a vibrant and expanding night time economy which has led to a sizeable and steady increase in visitors to the area.
- 11.3 The increasing levels of crime, disorder, and alcohol related harm has meant the need to deploy increasing levels of resourcing by the Police, Local Authority and other partners.
- 11.4 It is contended that the numbers of licensed premises have reached a saturation point and there is a need to stop any further licences being issued or variations being made.

## **12.0 Draft Policy Principles for Consultation**

12.1 The Suggested Policy Principles for consultation are set out below:-

**PP1.** The adverse ASB, Crime and public safety implications resulting from the cumulative impact of Licensed premises are sufficiently acute to justify a special licensing policy (a Cumulative Impact Zone) in the area comprising Brick Lane and its environs as set out in Figure 3 of this report.

**PP2.** Within this area there will be presumption against additional licences being granted or varied in a way that would add to the adverse cumulative impact on the local community.

**PP.3** This presumption should relate to all premises that require a licence to sell alcohol including off licences.

**PP.4** This presumption should also relate to all premises that require a licence for late night refreshment

**PP.5** Any company or persons seeking a licence for late night refreshment or a license to sell alcohol or a variance to an existing licence for the same must

demonstrate to the satisfaction of the Licensing Authority that the proposal will not add to the cumulative adverse impact of in respect of :

- Crime and disorder
- Public safety
- Public nuisance.

**PP.6** The above policy principles relate only to those matters outlined by PP.5. Arguments supporting applications specific to demand or need are not relevant to the licensing considerations. These are issues more properly dealt with through the Planning process.

**PP.7** The Policies outlined here will not be used to revoke an existing licence.

**PP.8** These proposals will not impose quotas as this would prevent applications being considered on their merits and deny prospective applicants the opportunity to demonstrate that their proposals would not add to adverse cumulative impacts specific to the areas identified in PP5. This is not the purpose of the CIZ and any such quota based policy approach would, in any event, be likely to successful challenge.

**PP.9.** The CIZ policies are not to be applied as the sole method of controlling cumulative impact. The Council will ensure that it will also apply other mechanisms both within and outside the remit of the licensing regime to do this.

**PP.10.** In accordance with licensing guidance individual circumstances of the application and of those making representations will always be considered.