

Committee/Meeting: Cabinet	Date: 5 th December 2012	Classification: Unrestricted	Report No: CAB 51/123
Report of: Corporate Director: Stephen Halsey		Title: Saturation Policy – Brick Lane Area	
Originating officer(s) David Tolley – Head of Consumer and Business Regulations		Wards Affected: Weavers, Spitalfields and Banglatown, Whitechapel	

Lead Member	Councillor Ohid Ahmed
Community Plan Theme	A Safe and Cohesive Community
Strategic Priority	Focusing on Crime and ASB

1. **SUMMARY**

- 1.1. Under the Licensing Act 2003 the Council have the power to designate an area within the Borough a “Cumulative Impact Zone” if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives (crime and disorder, noise / nuisance, public safety and harm to children).
- 1.2. It is proposed that the Council adopt a saturation policy for Brick Lane and environs on the basis of the high levels of crime, anti social behaviour and alcohol related harm. This has the support of the Police and would be managed in partnership with them.
- 1.3. This report presents the context, evidence and justification for adoption and explains the process required for implementation.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Consider and comment on the proposal for the area defined in the draft policy to become a “Cumulative Impact Zone”
- 2.2 Consider and comment on the draft policy.
- 2.3 Agree that consultation on the draft policy may commence

3. REASONS FOR THE DECISIONS

- 3.1 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.
- 3.2 The draft policy consultation will be undertaken highlighting the policy considerations in section 12 of the attached 'Proposal for Cumulative Impact Policy for the Brick Lane area'.

4. ALTERNATIVE OPTIONS

- 4.1 Cabinet does have the option not to introduce a cumulative impact zone. This option may have an adverse impact on the achievement of the licensing objectives .i.e. reducing crime and disorder and nuisance.
- 4.2 The creation of the cumulative impact zone will enable the current licence holders to carry on their business as they currently do. The creation of the zone will require any new licence applicants to demonstrate that they will not have an adverse impact on the area and that a rebuttal presumption will stand.

5. BACKGROUND

- 5.1 Tower Hamlets Police in their role as a "Responsible Authority" under the Licensing Act 2003 have expressed their concern at the levels of alcohol related harm, crime, disorder and anti social behaviour in and around the Brick Lane.
- 5.3 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 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.
 - c) Introduction of a Drinking Control Zone in September 2011
 - d) Licensing reviews undertaken and extra conditions imposed on licences to reduce anti social behaviour.

- 5.2 Under the Licensing Act 2003 the Council as Licensing Authority may consider introducing saturation policies (known under the guidance to local authorities as “Cumulative Impact Policies”).
- 5.3 These policies can be introduced where there is a combined impact or cumulative effect of licensed premises on one or more of the four Licensing Objectives, namely crime and disorder, the protection of children from harm, public safety or public nuisance
- 5.4 To develop this policy there is a requirement to specifically identify the area and for adequate evidence to be produced to justify a policy.
- 5.5 If a policy is then proposed by the Council, it must consult with relevant stakeholders. If the consultation responses support the proposals the Council can then introduce a policy that presumes against further licences being issued.
- 5.5 This does not stop applications being submitted and considered – it is not a ban on new licences. Any applicants may be successful if they can demonstrate and convince the Responsible Authorities and Licensing Sub Committee that their business will not add to any of the problems that have been identified.
- 5.6 Current licence holders and their current operating hours are not affected. The affect will be for new applicants or those that wish to vary their licences. The licences affected are both alcohol on and off sales and those premises that require a licence for late night refreshments.
- 5.7 It has been agreed with the Communications Team that there will be a communications strategy around the consultation exercise to reduce any potential concerns for current licence holders.

6. PROPOSAL, JUSTIFICATION & TIMETABLE

- 6.1 There has been an ongoing dialogue between the Police and the Council. Considerable evidence has been produced and captured in the “Proposal for Cumulative Impact Policy for Brick Lane Area” which is in Appendix 1 of this report
- 6.2 The proposal explains in detail:-
- What a Cumulative Impact Zone (CIZ) is
 - The powers the Council has to introduce a CIZ
 - The limitations of a saturation policy
 - The area suggested in and around Brick Lane for the CIZ
 - The Brick Lane demographics
 - The detailed evidence that provides the justification for a CIZ.
 - Details of other saturation policies in the rest of London
 - Conclusions and recommendations

6.3 The justification for a saturation policy in Brick Lane can be summarised as:-

- a. There are already over 207 Licensed Premises within this small area (17.6% 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. LBTH has the second highest level of ASB in London
- j. The highest rates of ASB in the Borough are in the Brick Lane Area
- k. ASB is now decreasing in the Borough and Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents
- l. LBTH has significantly worse alcohol related harm indicators compared with regional and national averages
- m. There is a steady increase in ambulance call outs in the Brick Lane Area
- n. 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.
- o. Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.
- p. 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.

6.4 It is therefore contended that the numbers of licensed premises have reached saturation point and there is a need to limit any further increases in licences being issued or variations being made.

6.5 The likely timetable for the Policy Implementation will be

- Cabinet approval – Dec 2012
- Consultation concludes – Feb 2013
- Policy Implementation – June 2013

6.6 The Appendix to this report contains the draft policy document “Proposal for Cumulative Impact Policy for Brick Lane area

6.7 This report outline plans for the consultation on the policy, including timeframes. The Communications Team will liaise with the Consumer and Business Regulation Service to develop a communications strategy for this policy in line with the Mayor’s priorities for the borough.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 There are no specific financial implications emanating from this report. The service will need to ensure that in adoption of the policy it is deliverable within existing budgeted resources.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Council is required by section 5 of the Licensing Act 2003 to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of that policy. The statement of licensing policy operates for a period of three years (in future it will be five years following a change in the law), during which time the Council must keep it under review and make such revisions to the policy as are considered appropriate.
- 8.2 Cumulative impact is not mentioned specifically in the Licensing Act 2003. The Secretary of State has, however, issued guidance under section 182 of the Act, which deals with cumulative impact. The Council must have due regard to the statutory guidance in exercising its licensing functions (Licensing Act 2003, section 4(3)).
- 8.3 According to the statutory guidance, cumulative impact means “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider in developing its licensing policy statement. The statutory guidance gives an indication of types of cumulative impact, which focus on nuisance, disorder and crime in areas where the number, type or density of premises selling alcohol is high or exceptional, resulting in a concentration of large numbers of drinkers.
- 8.4 A saturation policy or cumulative impact policy would form part of the Council’s statement of licensing policy. This would require the Council to revise its existing policy statement. Before revising the policy, the Council must first consult with persons specified in section 5(3) of the Licensing Act. Revisions to the statement of licensing policy are the responsibility of full council. The statement of licensing policy forms part of the budget and policy framework in Article 4 of the Council’s Constitution and revisions to it should be brought forward in accordance with the Budget and Policy Framework Procedure Rules. This will involve consultation with the Overview and Scrutiny Committee.
- 8.5 The statutory guidance provides that there should be an evidential basis for the decision to include a special policy within the statement of licensing policy. In that regard, local community safety partnerships and responsible

authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which can be used to establish the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Evidence to show cumulative impact of licensed premises on the promotion of the licensing objectives may include:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- Statistics on local anti-social behaviour offences;
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- Environmental health complaints, particularly in relation to litter and noise;
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- Residents' questionnaires;
- Evidence from local councillors; and
- Evidence obtained through local consultation.

8.6 Relevant evidence will need to be gathered and considered before any cumulative impact policy can be formulated and brought forward for adoption.

8.7 The statutory guidance identifies steps to be followed in considering whether to adopt a cumulative impact policy within the statement of licensing policy. At this stage, concerns have been identified about crime and disorder and a risk of cumulative impact. If a policy is to be brought forward, then the evidence base will need to be expanded and the statutory consultation carried out.

8.8 When preparing revisions to its statement of licensing policy, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. This will require equality analysis, which should be carried out in conjunction with any consultation.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 An equalities impact assessment has been undertaken and no adverse impacts have been identified.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no adverse impacts identified.

11. RISK MANAGEMENT IMPLICATIONS

11.1 There are no identified risks, current licence holders and their current terms of business are not affected. Any new application, if representations are made, will still be determined by the Licensing Sub – Committee and subjected to the procedures of that Sub-Committee.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 The Appendix to the report identifies the current crime and anti-social behaviour statistics. As discussed in the report the adoption of a cumulative impact zone should have a downward pressure on the number of crime and anti-social behaviour incidents and complaints.

13. EFFICIENCY STATEMENT

13.1 The costs of monitoring the cumulative impact zone will be included in the current monitoring regime.

14. APPENDICES

Appendix 1 – Proposal for Cumulative Impact Policy for Brick Lane Area

Appendix 2 – Equality Analysis Quality Assurance Checklist

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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

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