

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Committee</b>	<b>14th October 2014</b>	<b>Unclassified</b>	LC 06/145	

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

- 1.1 At the Licensing Committee on the 15<sup>th</sup> July 2014, it was requested that an update was provided on the licences issued within the Cumulative Impact Zone (CIZ) to enable Members to consider the impact of the CIZ.
- 1.2 In order to inform the discussions, the Responsible Authorities have been contacted to provide written submissions on the CIZ.

## **2. RECOMMENDATIONS**

- 2.1 That the Licensing Committee note, consider and comment on the evidential base and information that the Responsible Authorities have provided with regards to the CIZ.

## **3. BACKGROUND**

- 3.1 Under the Licensing Act 2003, the Council is required to determine its policy with respect to exercising its licensing functions and as part of that policy, the Council may have a special policy whereby it can designate an area within the Borough as a Cumulative Impact Zone (CIZ), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives i.e. crime and disorder, noise/nuisance, public safety and harm to children.
- 3.2 On 1 November 2013, the CIZ for the Brick Lane area came into effect after adoption of the Statement of Licensing Policy at Full Council. The Statement of Licensing Policy is at Appendix One, the CIZ Policy is at page 13 and the geographical area of the zone is at page 15 of the Policy.

- 3.3 The licenses that are potentially affected within the CIZ, with a presumptive rebuttal, are new applications and variations for alcohol on sales (pubs and restaurants) and off sales of alcohol (off licences) and late night refreshment licences i.e. the sale of hot food or drink after 11.00pm (takeaways).
- 3.4 The CIZ was sponsored by the Metropolitan Police through the Community Safety Partnership and the justification for the CIZ was summarised in consultation documents to residents and businesses:
- a. There are already over 207 Licensed Premises within this small area.
  - 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. It is responsible for the highest level of complaints about street drinking.
  - e. 22% of all police calls to licensed premises are in the Brick Lane Area.
  - f. There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area.
  - g. LBTH has the second highest level of ASB in London.
  - h. The highest rates of ASB in the Borough are in the Brick Lane Area.
  - i. ASB is now decreasing in the Borough and the Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents.
  - j. LBTH has significantly worse alcohol related harm indicators compared with regional and national averages.
  - k. There is a steady increase in ambulance call outs in the Brick Lane Area.
  - l. 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.
  - m. Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.
- 3.5 The consultation took place between 21<sup>st</sup> December 2012 and 22<sup>nd</sup> March 2013 with licence holders, residents groups, responsible authorities and interested networks/forums responding. A public event was held in Toynbee Hall and the Council's Licensing Committee was consulted.
- 3.6 The following results were obtained from the consultation:
- a) 165 responses were received
  - b) 69.9% were in favour of a CIZ in respect of on sales
  - c) 80% were in favour of a CIZ in respect of off sales
  - d) 69.2% were in favour of a CIZ in respect of the sale of hot food or drink after 11pm
  - e) Letters of support were received from the Chief Officer of Tower Hamlets Clinical Commissioning Group, Public Health Director from Barts Health NHS Trust and the Interim Director of Public Health.
  - f) A 220 signed petition was received from SPIRE, a local residents group in favour of the Council adopting a CIZ for the Brick Lane area.

- g) Cllrs Pierce and Mukit provided a joint response supporting the CIZ but wanted to see the area to include the Boundary Estate – Boundary Street, Virginia Road, Swanfield Street, Brick Lane and Shackwell Street.
- h) The Licensing Committee when consulted expressed concerns that the CIZ may be too large by extending into the city fringe.

3.7 A summary of the decisions made by the Licensing Committee with regards to applications or variations within the CIZ is detailed in Appendix Two and Three.

3.8 The table below summarises the current position as of 12 September 2014.

<b>Type of Licence</b>	<b>Granted</b>	<b>Granted with Conditions</b>	<b>Refused</b>	<b>In consultation</b>	<b>Application withdrawn</b>
New Premises Licence	2 (1x restaurant, 1 bicycle retailer))	10 (1x fast food, 1xprivate members club, 6x restaurants, 1x cinema, 1 x retailer)	2 (1 x off licence, 1x restaurant)	9 (1x pub, 5 restaurants, 1 off licence, 1x bar)	2  (2x bars)
Variation of premises Licence	1 (restaurant)	2 (restaurants)	3 (1x off licence, 2 x restaurant)	1 (restaurant)	0
Time Limited Premises Licence	1 (event)	0	0	1 (event)	1 (event)
<b>Totals</b>	<b>4</b>	<b>12</b>	<b>5</b>	<b>11</b>	<b>3</b>

3.9 The Responsible Authorities have been asked to provide commentary on current impact on the CIZ. There responses are contained in the following appendices:

- Appendix Four – Environmental Protection
- Appendix Five – Licensing Authority
- Appendix Six – Planning
- Appendix Seven – Metropolitan Police
- Appendix Eight – Public Health

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

- 4.1 There are no specific financial implications emanating from this report which provides an update for members on the impact of the Cumulative Impact Zone.

#### **5 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)**

- 5.1 The Council is a licensing authority under the Licensing Act 2003. Section 5(1) of the Licensing Act requires the Council to determine and publish its policy with respect to the exercise of its licensing functions. Once the licensing policy is in place, the Council is required to have regard to that policy in the exercise of its licensing functions.
- 5.2 The 2003 Act imposes a general duty on licensing authorities to exercise their licensing functions with a view to promoting the licensing objectives; those objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 5.3 Cumulative Impact Zones are not provided for expressly in the 2003 Act. However guidance issued by the DCLG under Section 182 of the Act allows Councils to adopt area specific policies to address the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in that area.

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

- 6.1 No adverse impacts have been identified

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

- 7.1 There are no adverse impacts identified.

#### **8. RISK MANAGEMENT IMPLICATIONS**

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

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

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

## **10. EFFICIENCY STATEMENT**

10.1 There are no efficiency elements to this report.

## **11. APPENDICES**

Appendix One: Statement of Licensing Policy  
Appendix Two: Weaver's Ward Summary  
Appendix Three: Spitalfields and Banglatown Ward Summary  
Appendix Four: Environmental Protection  
Appendix Five: Licensing Authority  
Appendix Six: Planning  
Appendix Seven: Metropolitan Police  
Appendix Eight: Public Health

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**LOCAL GOVERNMENT ACT, 1972 Section 100D (as amended)  
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

None