

Non-Executive Report of the: Licensing Committee 18th March 20021	 TOWER HAMLETS
Report of: David Tolley Head of Service, Environmental Health and Trading Standards	Classification: Unrestricted
Public consultation on the Cumulative Impact Policies	

Originating Officer(s)	David Tolley: Head of Environmental Health and Trading Standards
Wards affected	St Peters, Bethnal Green, Weavers, Spitalfields and Banglatown

1 EXECUTIVE SUMMARY

- 1.1 Under Section 5A of the Licensing Act 2003 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 has been in place now for approximately 7 years and the second one, which is in Bethnal Green has been in place for approximately 2 years.
- 1.2 As part of this review of these Cumulative Impact Assessments the Council must carry out statutory consultation in the same way as specified for reviewing the Council's Statement of Licensing Policy. Therefore, the Council must consult those specified in section 5(3) of the Licensing 2003, and subject to the outcome of the consultation, include and publish details of the Cumulative Impact Assessments in their Statement of Licensing Policy.
- 1.3 This consultation commenced on 28th January 2021 and will run until 22nd April 2021. The main options in the consultation are:
- i. Retain both CIAs (Cumulative Impact Assessments),
 - ii. Retain the CIA for Brick Lane and remove the CIA for Bethnal Green
 - iii. Remove both CIA.

To view the consultation see <https://talk.towerhamlets.gov.uk/e1e2licensing>.

2. RECOMMENDATIONS

- 2.1 The Committee member are recommended to note the consultation.

3 REASONS FOR THE DECISIONS

- 3.1 The Council must review its Cumulative Impact Assessment Policies every 3 years and before publishing a cumulative impact assessment we must carry out statutory consultation providing the following information:
- a) the reasons why it is considering publishing a cumulative impact assessment;
 - b) a general indication of the part or parts of its area which it is considering describing in the assessment;
 - c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

4. ALTERNATIVE OPTIONS

- 4.1 None. The Licensing Act 2003 requires that Cumulative Impact Assessments are reviewed every 3 years and part of this review requires statutory consultation. This is required even if the Council wishes to remove the CIAs.

5. Background

- 5.1 The Cumulative Impact Policy (CIP) was reviewed and updated to make the policy easier to understand and make it clear what authorisations the policy would relate to and how it would be applied. This included clarification that representations in regards to applications within the CIA areas must still meet the normal criteria to be a valid representation and explained that the only difference being that within the CIA areas cumulative effect on the licensing objectives would be considered. The reviewed policy made it clear to applicants of the need for them to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIA Zones and gave some items they may wish to consider. The policy clarified that the CIA areas do not create a stop of the granting of licences within the zones, however it was very clear that where valid representations were received the onus is solely on applicants to adequately rebut the presumption that the application will be refused following a receipt of a valid representation.
- 5.2 Previous consultation completed prior to the adoption of the CIA in Brick Lane and its review, and the creation of the Bethnal Green CIA found that because of the number and density of licensed premises selling alcohol, on and off the premises, and the provision of late night refreshment (sale of hot food after 11pm) within the area of both CIA , there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 5.3 The Licensing Authority therefore took the view that the number, type and density of premises selling alcohol for consumption on and off the premises, and/or the provision of late night refreshment in the areas now designated as the CIA was having a cumulative impact on the licensing objectives. Thus, the CIA was declared in Brick Lane and Bethnal Green.

Brick Lane CIA

- 5.4 Since its introduction incidents of crime and antisocial behaviour linked to licensed premises within Cumulative Impact Assessment (CIA) have seen a reduction despite fluctuating figures. The CIA was reviewed in 2018, which showed that there was evidence for it to remain in place.

The Hot Hotspot Maps A to D in Appendix 1 show that incidents of crime and antisocial behaviour linked to licence premises between 2017 and 2019 have increased, however looking over the life span on this CIZ the overall number of incidents is still less than was seen prior to 2015.

In contrast the tables below show that complaints received by the Licensing and Noise Teams between 2017 and 2020 have remained fairly static.

Row Labels	Nov 17 - Oct 18	Nov 18 - Oct 19	Nov 19 - Oct 20
Brick Lane CIZ Noise Complaints	40	31	30
Brick Lane CIZ Licensing Complaints	59	59	60

Looking at this on a borough wide basis the Spitalfields and Banglatown and Weavers, which are the main wards that the Brick Lane CIA falls within remain consistently one of the highest wards for complaints received by the Licensing Team. This can be seen in Figures 1, 2 and 3 in Appendix 2, which illustrates that these wards have consistently attracted more complaints than other wards in the borough.

The CIA is also reducing the numbers of licence and variation of licence applications granted within the area. The tables below show this reduction and in particular the number of new premises licences granted continues to decrease year on year.

November 2017 to October 2018		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant	2	1
Hearing grant with variation	3	
Hearing refuse	1	
Officer grant	7	4
Total	13	5

November 2018 to October 2019		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation	2	
Hearing refuse		1
Officer grant	3	7
Total	5	8

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November 2019 to October 2020		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation	2	1
Hearing refuse		1
Officer grant	1	4
Total	3	6

Green CIA

5.5 This CIA was introduced in November 2018 so has only been in place for just under two years. The Hot Hotspot Maps a to c in Appendix 3 show quite a fluctuation in incidents, with 185 in the area for 2017, reducing to 158 in 2018 and then going up in 2019 to 180. Thus, following the introduction of the CIA in Bethnal Green the incidents have gone up in comparison to the previous year.

5.6 Since its introduction complaints received by the Licensing and Noise Teams have seen a reduction in Noise complaints but no significant reduction in licensing complaints. The reduction in complains received by the Noise Team shows they have decreased by nearly three quarters 2017-18 and 2018-19, and then a Signiant drop in 2019-20, though this could be attributed to the ongoing coronavirus pandemic. See tables below.

	Nov 17 - Oct 18	Nov 18 - Oct 19	Nov 19 - Oct 20
Bethnal Green CIZ Noise Complaints	21	7	1
Bethnal Green CIZ Licensing Complaints	16	13	15

Looking at this on a borough wide basis Weavers and St Peter's wards appear to consistently high numbers of complaints received by the Licensing Team. These are the main wards that the Bethnal Green CIA falls within. This can be seen in Figures 1 to 3 in Appendix 2, which illustrates that these wards have consistently larger numbers of complaints than many of the other wards.

In terms of licence and variation of licence applications granted within the Bethnal Green CIA area these have remained fairly static. This can be seen in the tables below.

November 2017 to October 2018		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant	1	
Hearing refuse		3
Total	1	3

November 2018 to October 2019		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation		1
Officer grant	2	
Total	2	1

November 2019 to October 2020		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation	2	2
Total	2	2

6 EQUALITIES IMPLICATIONS

6.1 There are no equalities implications.

7 OTHER STATUTORY IMPLICATIONS

7.1 Best Value implications: Ensuring that fees are obtained from regulated commercial activity.

7.2 Environmental considerations: There are no environmental implications

7.3 Crime reduction: One of the key licensing objectives of the Council ensure that it does not licence premises that are liable to be a source of crime and disorder. The Council supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences. Illegal activity has been proven to occur at the premises.

- 7.4 Safeguarding: There are no proven safeguarding impacts; however premises that are managed in this way may employ underage persons or vulnerable adults. Therefore there may be a positive safeguarding impact. We also identify premises that may be selling to underage customers and are then able to take preventative measures.
- 7.5 Risk Management: The Council will be at risk of legal challenge if its processes are not transparent and evidentially based.

8 COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 There are no financial implications emanating from this report which seeks to review the Cumulative Impact Assessments that the Council has in place in line with Section 5A of the Licensing Act 2003. Costs associated with undertaking the statutory consultation will be met from within existing budgetary provision

9 LEGAL COMMENTS

- 9.1 Under Section 5A of the Licensing Act 2003 the Council as a Licensing Authority must review its Cumulative Impact Policies every 3 years and part of this review requires statutory consultation. This is required even if the Council wishes to remove the CIAs
- 9.2 As part of the review of Cumulative Impact Assessments, the Council must carry out statutory consultation in the same way as specified for reviewing its statement of licensing policy, consulting those specified in section 5(3) of the Licensing Act 2003 and subject to the outcome of the consultation, include and publish details of the CIA in the statement of licensing policy.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

Appendix One: Hotspot Maps A to D (Brick Lane CIZ)

Appendix Two: Figures 1 to 3 - Complaints received by the Licensing Team by Ward

Appendix Three: Hotspot Maps A to D (Bethnal Green CIZ)

Appendix Four: Web page for the Consultation on Let's Talk

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

- N/A