

## **Appendix One – Reviewed Cumulative Impact Policy Statement**

### **9 Special Cumulative Assessment Policy**

- 9.1 The Licensing Authority has adopted a special policy relating to cumulative impact within the area of Brick Lane.

**This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates, which are likely to add to the existing cumulative impact, will normally be refused following the receipt of representations unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.**

- 9.2 The Council reviewed the Special Cumulative Impact Policy in 2024 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

#### **Review of Cumulative Impact Assessment (CIA) - Supporting Evidence**

- 9.3 In determining the Councils CIA for the area of Brick Lane (Figures One) the Council considered the following evidence:
- Police data gathered from Crime Reports and Calls to 101 Service linked to Licence trade in the borough for 2020 to 2023 (end of June).
  - London Ambulance Service (LAS) Call Out Data linked to alcohol for the borough for 2020 to 2023 (end of June).
  - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing for 2020 to 2023 (end of June).
  - Hot spot maps with following layers for data collected between 2020 and 2023 (end of June) linked to Licence trade/alcohol:
    - Licensed Premises locations,
    - Police Crime and 101 data,
    - LAS Call out data,
    - Environmental Health and Trading Standards complaint data.
  - Licence Application data for the defined areas for 2020 to 2023
  - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website [\[add link to Council Hearing\]](#).

#### **Brick Lane Cumulative Impact Assessment (CIA)**

- 9.4 The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area

(highlighted in Figure One below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within this area.

9.5 The Brick Lane CIA aims to manage the negative cumulative impact of the concentration of licensed premises in this area and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.

9.6 The effect of this CIA will apply to the following types of applications:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licenses and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or,
- the provision of late night refreshment.

9.7 **This Policy will be strictly applied and where relevant representations are received, the presumption of the Council is that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane CIA if they wish to rebut this presumption.**

9.8 The CIA creates a rebuttable presumption that where relevant representations against applications within the CIA zone are received by one or more of the responsible authorities, and/or other persons (e.g. Councillors, Members of the Public), the application will be refused.

9.9 Where representations have been received in respect to applications within the CIA zone the onus is on the applicant to adequately rebut the presumption.

9.10 It must be stressed that the presumption created by this CIA does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted, in line with their delegated authority.

9.11 This special policy is not absolute, and the Licensing Authority recognises that it needs to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:

- Prevention of Crime and Disorder;
- Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

9.12 The Cumulative Impact Assessment (CIA) will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

#### **Possible exceptions to the Brick Lane Cumulative Impact Assessment (CIA)**

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
  - Only have consumption of food (late night refreshment) and/or drink (alcohol) on the premises only, and,
  - Have arrangements to prevent vertical drinking, for example fully seated venues,
  - Only provide Off sales of food (late night refreshment) and/or drink (alcohol) for delivery (i.e. not for take away),
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments),
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the CIA Area.

The Licensing Authority will **not** consider the following as possible exceptions:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

## The Cumulative Impact Assessment (CIA) Area for the Brick Lane

9.13 The Cumulative Impact Assessment Areas are detailed in the maps below.

**Figure One – Brick Lane CIZ**

