

Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 18th September 2013 at 7.30 p.m.

S U P P L E M E N T A L A G E N D A

VENUE

**Council Chamber, 1st Floor,
Town Hall, Mulberry Place,
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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY, 18TH SEPTEMBER 2013

7.30 p.m.

**PAGE
NUMBER
1 - 172**

9.1 STATEMENT OF LICENSING POLICY REVIEW

The agenda pack previously circulated for the Council meeting included the reports of the Corporate Director, Communities, Localities and Culture on the above matter that were submitted to the Cabinet (Executive) for consideration.

The attached report and appendices now set out the decisions of the Executive and their recommendations to the Council, following the Cabinet meeting on 11th September 2013.

Included in this supplemental agenda pack are the following papers:-

- Updated report of the Corporate Director, Communities, Localities and Culture: Statement of Licensing Policy Review including the Cumulative Impact Zone for the Brick Lane area and proposed 'no casinos' resolution.
 - Appendix 1: Organisations consulted on the Statement of Licensing Policy
 - Appendix 2: Summary of written responses – Licensing Policy
 - Appendix 3: Summary of on line responses – Licensing Policy
 - Appendix 4: Proposed Changes to the Statement of Licensing Policy
 - Appendix 5: Draft Statement of Licensing Policy
 - Appendix 6: Proposal for Cumulative Impact Policy for Brick Lane Area
 - Appendix 7: Consultation Results Summary
 - Appendix 8: Statement of Gambling Policy amendment
 - Appendix 9: Equality Impact- Licensing Policy
 - Appendix 10: Equality Impact- Cumulative Impact Policy

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Agenda Item 9.1

Committee/Meeting: Council	Date: 18/9/13	Classification: Unrestricted	Report No: Agenda item 9.1 Addendum Report
Report of: Corporate Director / Head of Paid Service Stephen Halsey Originating officer(s) David Tolley – Head of Consumer and Business Regulations		Title: Statement of Licensing Policy Review including the Cumulative Impact Zone for the Brick Lane area and proposed ‘no casino’ resolution. Wards Affected: All	

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

1. **SUMMARY**

- 1.1 All local authorities have to review their existing Statement of Licensing Policy and adopt a new policy by the end of 2013. This is one of their responsibilities they have to enable the administration of licences under the Licensing Act 2003.
- 1.2 The purpose of the Statement of Licensing Policy is to define how the responsibilities under the Act are going to be exercised and administered.
- 1.3 A statutory consultation process has taken place for the review of the Statement of Licensing Policy and the introduction of a Cumulative Impact Zone for the Brick Lane area.
- 1.4 The Council can have a special policy whereby it can 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).
- 1.5 The future licenses that are potentially affected by the proposed Cumulative Impact Policy are alcohol ‘on’ sales (pubs and restaurants) and ‘off’ sales of alcohol (off licenses) and late night refreshment licenses, the sale of hot food or drink after 11.00pm.
- 1.6 The revised Statement of Licensing Policy, if adopted will be published and have effect from the 1st November 2013 until 31st October 2018. The current policy would be revoked on the 31st October.

- 1.7. A consultation has also been carried out to enable a 'No Casino' resolution to be passed, that would amend the Gambling Policy 2013. The consultation showed a majority in favour of the resolution. If the resolution is passed, the Gambling Policy would be amended and republished.

2. **DECISIONS REQUIRED**

The Council is recommended to:-

- 2.1 To agree the adoption of the Statement of Licensing Policy including the Cumulative Impact Zone for the Brick Lane area.
- 2.2 That the Statement of Licensing Policy will take effect from 1st November 2013 until 31st October 2018. The existing Statement of Licensing Policy will be rescinded on the 31st October 2013.
- 2.3 To agree the adoption of the 'no casino' resolution to amend the Gambling Policy 2013.

3. **REASONS FOR THE DECISIONS**

- 3.1 The Council is statutorily required to review its Statement of Licensing Policy every three years. As part of the review a statutory consultation must take place.
- 3.2 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.
- 3.3 The draft policy consultation results for the cumulative impact zone demonstrated high levels of community support for the introduction of such a policy.
- 3.4 If the Council wishes to have a 'no casino' declaration a consultation had to be undertaken and a resolution needs to be passed at full Council.

4. **ALTERNATIVE OPTIONS**

- 4.1 Council does have the option not to review its Statement of Licensing Policy but the Authority will be open to legal challenge for not having a properly consulted and adopted Policy.
- 4.2 Council could choose not to progress the introduction of a Cumulative Impact Policy. This option would be inconsistent with the achievement of the licensing objectives .i.e. reducing crime and disorder and nuisance.
- 4.3 The adoption of the Cumulative Impact Policy 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 to successfully address a rebuttal presumption against additional licenses established by the supporting policy.

- 4.4 Council could decide not to pass a 'no casino' resolution.

5. BACKGROUND

Statement of Licensing Policy Review

- 5.1 The Council's current Statement of Licensing Policy was adopted by full Council in December 2010.
- 5.2 Tower Hamlets Council is defined as a Licensing Authority under the Licensing Act 2003. As a Licensing Authority we must review our Licensing Policy every three years and publish the outcome of that review.
- 5.3 We must, as a minimum carry out the statutory consultation laid down in the Act.
- 5.4 The Licensing Act 2003 gives local authorities a range of responsibilities relating to licensing. The Statement of Licensing Policy states how the Council will exercise its authority.
- 5.5 This policy covers the following:
- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
 - The main licensing objectives for the authority which are set by legislative requirements.
 - The Licensing Authority approach to regulation
 - The scheme of delegation
- 5.6 The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities. The policy produced has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.

Cumulative Impact Policy

- 5.7 Under the Licensing Act 2003 the Council in its role as a Licensing Authority may consider introducing saturation policies (known under the guidance to local authorities as "Cumulative Impact Policies").
- 5.8 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.

- 5.9 There is a requirement to specifically identify the area to be the subject of such a policy and to bring forward sufficient evidence to justify adoption of it. This work was completed and presented as part of the rationale to move to the public consultation stage.
- 5.10 A consultation has taken place and the results show that there is support for a Cumulative Impact Policy in the Brick Lane area. The Council could now introduce a policy that creates a presumptive rebuttal against any new and varied licences being granted.
- 5.11 The proposals do not stop applications being submitted and considered on their merits. Any applicant may be successful if it can be demonstrated to the satisfaction of the Responsible Authorities and Licensing Sub Committee that their business will not add to any of the problems that have been identified.

'No Casino' Resolution

- 5.12 When the Gambling Policy 2013 was being adopted, Cabinet and Council requested that a 'no casino' resolution be considered. A statutory consultation exercise has taken place to enable a 'no casino' resolution to be passed and for the Gambling Policy to be amended to reflect this.

6. BODY OF REPORT

Statement of Licensing Policy Review

- 6.1 Under the Licensing Act 2003, the Council as the Borough's licensing authority must review its Statement of Licensing Policy and publish the outcome of that review.
- 6.2 The current review has taken into account the legislative changes that will affect the policy. The changes respond in the main to guidance and regulatory change from central government during the course of the last three years.
- 6.3 The statutory consultation requirements consist of consulting:-
- The Chief Officer of Police for the Licensing Authority area
 - The Fire Authority for the area
 - Such persons as the Licensing Authority consider to be representative of holders of existing licences
 - Such persons as the Licensing Authority considers to be representative of holders of existing clubs
 - Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
- 6.4 The full list of consultees is detailed in Appendix One. All licence holders were written to. General comments from groups and forums have been summarised in Appendix Two. The online submissions are summarised in Appendix Three.

- 6.5 The statutory changes are outlined in Appendix Four and the revised policy for adoption is detailed in Appendix Five.
- 6.6 The consultation documents have been presented to the Licensing Committee and noted by them.
- 6.7 The following are relevant issues that have been raised in the consultation process:

Late Night Levy: This enables a levy to be placed on businesses that operate past a set terminal hour past midnight. Some limited exemptions can be applied. The extra funds paid by businesses would require 70% net being paid into the Metropolitan Police at a regional level for use on Policing in the capital. The remaining 30% can be spent on the late night economy in Tower Hamlets. This has been estimated to be £74,000. A consultation exercise would need to be undertaken if this provision was to be used.

Early Morning Restriction Orders: This would enable the Council to determine if part or all off the Borough could be restricted in selling alcohol from midnight and 6am. An evidence base would need to be determined and a consultation exercise undertaken.

Framework Hours: The current framework hours in the Policy give an indication of the desired opening hours of premises, however each case is considered on its merits. The current hours are:

Sunday	0600hrs to 2230hrs
Monday to Thursday	0600hrs to 2330hrs
Friday and Saturday	0600hrs to midnight

Two of the groups that have responded have suggested a later start to the framework hour;

On licences	
Sundays	1200hrs
Monday to Thursday	1000hrs
Friday and Saturday	1000hrs
Off Licences	
Monday to Saturday	0800hrs
Sundays	1000hrs

Guidance has been published under section 182 of the Licensing Act 2003 that addresses the issue of framework hours. They should operate in such a way that does not restrict discretion and recognise that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good, evidential reasons to restrict these hours. There must be a justification provided if change is considered appropriate.

The current responses do not justify the change from a locality perspective but compare the hours to that of Westminster City Council.

Increase the voluntary consultation area carried out by the Council: Three groups have responded that they would like to have a greater consultation area of more than 40 meters from the applicant premises. Only one group has stipulated a distance of 100 meters. There would be resource implications to run licensing consultations over larger areas.

Touting: There were some concerns regarding the Touting elements within the Policy and some businesses have expressed a desire to improve trade without compromising the Licensing Policy and the welfare of residents and visitors to the area. It is claimed that the touting policy is having a negative impact on business.

Some restaurateurs would like to introduce a 'Meeters and Greeters' scheme to regulate on street business promotion by;

- Developing a jointly agreed Code of behaviour and standards with Councilors, Businesses and local residents
- Ensure any on street staff wear identifiable badges making clear their name and the business (with contact details) they represent
- Restrict on street promoters or marketing staff to a certain number to avoid congestion
- Provide professional training so frontline workers and business owners/managers are clear on what is expected both in terms of customer engagement and dealing with other businesses/traders
- The need for a robust process of constant and effective monitoring to and police the scheme

A scheme of this type falls outside the scope of the Statement of Licensing Policy and can be instigated and managed by the restaurateurs, providing the conditions detailed in the Statement of Licensing Policy are not contravened.

Health Considerations: The Public Health Team has made recommendations for two conditions that relate back to the Licensing objective of Public Safety. Guidance made under section 182 of the Licensing Act 2003 states that blanket conditions on premises are not suitable and that such conditions should be considered as 'pool conditions'

However, there are currently mandatory conditions that could cover the 'pool conditions' proposed by Public Health. The condition suggested by Public Health states:

For off licences, there shall be no promotional sales of alcoholic drinks at the premises at a price lower than normally sold at the premises. This will include offers that encourage the purchase of multiple alcoholic drinks products for a reduced price such as 'two for the price of one', 'three for the price of two', 'buy-one-get-one-free' & 'buy six get x% off'

This is more detailed than the current corresponding mandatory condition:

The responsible person must take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The proposed condition from Public Health goes beyond irresponsible promotions and is seeking to stop any promotion at all. The condition cannot be applied to current licences retrospectively; therefore new premises would be put at a disadvantage.

The second condition relates to:

There shall be no sale of alcoholic drinks at a price lower than £0.50 per unit (where a unit of alcohol is defined as 10ml by volume or 8g by weight, of pure alcohol (ethanol)).

This condition does not retrospectively apply to all licences, thus this could put new premises at a disadvantage.

- 6.8 The following recommendations are put forward for consideration in relation to the non-statutory changes to the Statement of Licensing Policy and are included in the draft Statement of Licensing Policy attached at Appendix Five.

Proposed Change	Recommendation
Late Night Levy	The Council may impose a levy but is required to consult before doing so. The Statement of Licensing Policy should recognise this power but indicate that the Council would only carry out consultation if some justification for a levy is brought forward. Justification would probably come from a responsible authority.
Early Morning Restriction Orders	The Council may make an early morning restriction order but is required to consult before doing so. The Statement of Licensing Policy should recognize this power but indicate that the Council would only carry out consultation if some justification for an order is brought forward. Justification would probably come from a responsible authority. Restrictions on problem premises may presently be imposed via the current review process.
Framework hours	The supporters of moving the frame work hours to midday (Sunday only) and 10.00hrs for on licences and 10.00hrs (Sunday only) and 0800hrs for off licences has not been justified. It also will not be retrospective to current licence holders. The Licensing Sub Committee judges each case on its merits and is not bound by these hours.
Increase in the	The Council's statement of licensing policy presently

consultation area	provides that it will notify residents and businesses within a 40 meter radius of the premise the subject of the application. This is discretionary and considered to be good practice. If the area was to be extended this would create an administrative burden for the Licensing Team, which it would lack the resources to meet. It is proposed that the applications placed on the website for interested parties to review, along with retaining current arrangements
Touting	It is recommended that the work around Touting continues and that the conditions on current licences are maintained.
Health Considerations	<p>The Public Health condition concerning promotions goes further than the current mandatory condition and could not be retrospective, leading to inconsistency and unfairness. It is recommended that this condition is not adopted as a pool condition.</p> <p>The condition concerning the price per unit of alcohol would be contrary to Government guidance and lacks the required justification as to why this would be a proportionate means of achieving the licensing objectives. It is recommended that this condition is not adopted as a pool condition.</p>

Cumulative Impact Policy

6.9 There has been an on-going dialogue between the Police and the Council concerning the creation of a Cumulative Impact Policy. Considerable evidence has been established and presented in the "Proposal for Cumulative Impact Policy for Brick Lane" document which is in Appendix Six of this report.

6.10 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

6.11 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.
- 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 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.
- 6.12 It is therefore contended that the numbers of licensed premises have reached saturation point and there is a need to stop any further licences being issued or variations resulting in intensification being allowed in the identified area if they demonstrably add to the anti-social behaviour and social problems being experienced.
- 6.13 The consultation took place between the 21st December 2012 and 22nd March 2013. Licence holders, residents groups, responsible authorities and interested networks/forum were consulted. A public event was held in Toynbee Hall to enable interested parties to discuss the proposed policy. The Council's Licensing Committee was also consulted as to the scope and effect of the proposed policy.
- 6.14 The consultation results summary is at Appendix Seven and a map of the proposed zone is within the draft Statement of Licensing Policy at paragraph 8.5. The total number of responses received was 165. However, not all responses answered all the questions. A total of 81.4% responses showed positive support for a Cumulative Impact Policy.
- 6.15 The key part of the Cumulative Impact Policy is the presumptive rebuttal for licences that involve on and off sales of alcohol and the sale of hot food after 11pm. The following positive responses were received to support the presumptive rebuttal of issuing licences for:
- a) The sale of alcohol for consumption within a premises e.g. restaurants, clubs – 69.9%
 - b) The sale of alcohol for consumption off the premises e.g. off licences and some pubs - 80%.
 - c) The sale of hot food after 11pm e.g. restaurants and take aways – 69.2%
- 6.16 During the consultation period a joint letter of support for the Cumulative Impact Policy was 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.

- 6.17 A 220 signed petition was also received from SPIRE, a local residents group, in favour of the Council adopting a Cumulative Impact Policy for the Brick Lane Area.
- 6.18 Cllr John Pierce and Cllr M Abdul Mukit provided a joint written response to the consultation supporting the Cumulative Impact Policy but having consulted the Weavers Safer Neighbourhood Team Panel would like to see the saturation zone to include the Boundary Estate and include Boundary Street, Virginia Road, Swanfield Street, Brick Lane and Shackwell Street.
- 6.19 The Licensing Committee was consulted and expressed concerns that the proposed zone might be too large by extending too far into the City fringe. It is important to note however that the licensing Committee would be entirely free to grant licences in the city fringe area if they considered the application would not result in additional problems.
- 6.20 The Cumulative Impact Policy forms part of the Council's Statement of Licensing Policy. If the Statement of Licensing Policy is adopted, then Members of the Licensing Committee, when sitting on the Licensing Sub-committee will be the decision makers in respect of new or variation applications falling within the cumulative impact area. The effect of adopting a cumulative impact policy is to create 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. The Licensing Sub-committee will consider whether the rebuttable presumption has been addressed sufficiently well by the applicant to allow a license to be granted.
- 6.21 The current Statement of Licensing Policy remains current until December 2013. It is proposed that this policy is replaced on the 1st November 2013 with the reviewed policy to enable the cumulative impact policy to be brought in early. The new policy cannot be brought in earlier due to then need to advertise and publish it.

'No Casino' Resolution

- 6.22 The consultation for the review of the statement of Licensing Policy also covered the request to consult on a 'No Casino' resolution that would amend the Gambling Policy. This consultation received a small majority endorsement from those that completed the online consultation. Appendix Eight sets out a suggested text for amendment to the Gambling Policy.
- 6.23 The justification for the 'no casino' policy can be drawn from the fact that the Borough already hosts 77 Betting Shops and 5 adult gaming centers. According to the NHS there is a link between gambling and alcohol abuse. Many gambling addicts are also addicted to alcohol. Rates of depression and attempted suicide among gambling addicts are around double the national

average. Gambling addicts are also more likely to go to prison as a result of criminal activity. This is almost entirely through theft and fraud. (NHS Choices: Your health your choices)

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 There are no specific financial implications emanating from the adoption of the Statement of Licensing Policy including the Cumulative Impact Zone for the Brick Lane area.
- 7.2 There is however non statutory changes within the recommendations put forward for consideration. The only proposed change that will have a financial impact if introduced is the Late Night Levy. This will impact on businesses operating past a set terminal hour after midnight. A limited number of exemptions will be applied. The anticipated income generated from the levy would be shared out 70% net to Metropolitan Police and the remaining 30% net to the Council estimated at £74,000.
- 7.3 The additional income generated from the levy will provide an opportunity for re investment into the late night economy in Tower Hamlets which will need to be considered alongside the Medium Term Financial Plan savings targets as part of the budget process.

8. LEGAL COMMENTS

- 8.1 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. Since 25 April 2012, the requirement is for the Council to prepare and publish its statement of licensing policy in respect of each 5 year period. Once the licensing policy is in place, the Council is required to have regard to the policy in the exercise of its licensing functions.
- 8.2 Pursuant to the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the determination of the statement of licensing policy under section 5 of the Licensing Act 2003 cannot be a function of the council's executive. Consistent with this requirement, the policy has been brought to full council for adoption.
- 8.3 The Licensing Act specifies a minimum level of consultation which the Council must carry out before determining its licensing policy for a 5 year period. This requires specified persons to be consulted, as referred to in the body of the briefing paper.
- 8.4 When determining its licensing policy, the Council is required to have regard to the following –

- Promoting the four licensing objectives, namely: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.
 - Statutory guidance issued by the Secretary of State.
- 8.5 It is proposed that the licensing policy should include a cumulative impact zone. 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)).
- 8.6 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.
- 8.7 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.
- 8.8 Relevant evidence has been gathered and the material relied upon in preparation of the cumulative impact statement is set out in Appendix 6. Paragraph 4.3 of the report summarises the material considered to justify the

making of the policy. The Council may conclude that this material justifies the making of a cumulative impact statement in the terms proposed.

- 8.9 It is proposed that the statement of licensing policy refer to the fact that the Council may impose a late night levy or an early morning restriction order, but that in each case the Council would first have to carry out consultation which it will not undertake unless justification is first provided by a responsible authority. If the Council is not itself aware of a justification for either a late night levy or an early morning restriction order, then it seems reasonable to defer consultation until such time as a justification becomes apparent.
- 8.10 The late night levy is a charge on persons licensed to sell alcohol late at night, which is a means of raising a contribution towards the costs of policing the late-night economy. Section 125 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) empowers the Council to decide that the late night levy is to apply in Tower Hamlets. The 2011 Act specifies matters which the Council must consider at the time of making that decision. The procedure to be followed in relation to a proposal to apply the late night levy is specified in the Late Night Levy (Application and Administration) Regulations 2012. The Council must consult with the relevant local policing body, the relevant chief officer of police, and holders of relevant late night authorisations. The Council must publish notice of its proposal to apply the late night levy. This procedure is separate from that which is being followed to revise the licensing policy. If reference to the late night levy is to be included in the licensing policy, then the decision to apply the levy should be completed prior to, or at the same time as, adoption of the revised licensing policy.
- 8.11 Section 172A of the Licensing Act 2003 permits the Council to make an order effectively preventing the sale of alcohol in a specified period between midnight and 6 am (an early morning alcohol restriction order, or EMRO). Section 172B of the Licensing Act and the Licensing Act 2003 (Early Morning Alcohol Restriction Orders) Regulations 2012 set out procedural requirements to be followed when making an early morning alcohol restriction order. The proposal must be advertised. If relevant representations are made, the Council must hold a hearing to consider the representations, unless all parties agree that a hearing isn’t necessary. There are prescriptions as to the content of EMROs and as to the manner and form in which they are to be made.
- 8.12 There was a suggestion during consultation that the Council might extend the framework hours referred to in its statement of licensing policy. This is not recommended in the report. The framework hours give a guide to the level of scrutiny the Council will apply in considering licence applications. Consistent with Government guidance, the framework hours are not in any sense “normal” or “usual” and every application has still to be considered on its merits. Any change to the framework hours would need to be considered by reference to the need to promote the licensing objectives, for which no justification has been provided.

- 8.13 There was a suggestion during consultation that the Council might notify people of licence applications in a wider area from the premises. The Council's statement of licensing policy presently provides that it will notify residents and businesses within a 40 metre radius of the premise the subject of the application. This is discretionary and not required by the Licensing Act 2003.
- 8.14 Representations were made during consultation regarding the Council's approach to enforcement action against touting. The Mayor has agreed an Enforcement Policy, which provides that the Council's approach to enforcement is founded on firm but fair regulation around the principles of :
- raising awareness of the law and its requirements;
 - proportionality in applying the law and securing compliance;
 - consistency of approach;
 - transparency about the actions of the Council and its officers; and
 - targeting of enforcement action.
- 8.15 There is no requirement for touting enforcement to be addressed within the Council's statement of licensing policy.
- 8.16 Two licensing conditions have been proposed by Public Health. The first concerns drink promotions. There is already a mandatory condition applying to all licences, which is in the following terms: "The responsible person must take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange, or participate in any irresponsible promotions in relation to the premises." The mandatory condition is targeted at irresponsible promotions. By contrast the condition proposed by Public Health seeks to stop all promotions. There is no indication of why such a condition would be a proportionate means of achieving the licensing objectives and in the absence of such a justification it should not be adopted as a pool condition.
- 8.17 The second condition proposed by Public Health seeks to impose a minimum price for alcoholic drinks. This is not consistent with Government guidance. There is no indication of why such a condition would be a proportionate means of achieving the licensing objectives and in the absence of such a justification it should not be adopted as a pool condition.
- 8.18 It is proposed that the Council makes a "no casino" resolution. Section 166(1) of the Gambling Act 2005 ("the 2005 Act") permits the Council to resolve not to issue casino premises licences and section 166(2) provides that in passing a resolution under subsection (1) a licensing authority may have regard to any principle or matter. Any resolution: (a) must apply to the issue of casino premises licences generally, (b) must specify the date on which it takes effect, (c) may be revoked by a further resolution, and (d) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).
- 8.19 A resolution under section 166(1) is required to be published by being included in a revision of the Council's three year statement of gambling policy.

This is required by section 166(5) of the Gambling Act. The Council is required to consult before revising the gambling policy, which the report indicates has been carried out.

- 8.20 The making of a “no casino” resolution and amendment of the gambling policy are both matters which may not be the responsibility of the Council’s executive, by virtue of regulations 2(1) and 4(4) and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The Council’s Constitution includes the making of such a resolution in the terms of reference of the Licensing Committee, but amendment of the gambling policy is a matter for full council. As both need to be dealt with, it is convenient for full council to deal with both at the same time.
- 8.21 When preparing and determining its statement of licensing policy, or considering a “no casino” resolution, 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 is provided in Appendix 9 of the report.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 An equalities impact assessment has been undertaken for the Statement of Licensing policy, and specifically the Cumulative Impact Policy (appendix nine and ten) and no adverse impacts have been identified. The “no casino” resolution will amend the Statement of Gambling Policy. The equalities impact assessment detailed in Appendix nine concludes that there are no adverse impacts.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no adverse impacts identified.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The Council will be at risk of legal challenge if a properly consulted and adopted Statement of Licensing Policy is not in place by the end of 2013.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The policy 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.

13. EFFICIENCY STATEMENT

- 13.1 There are no efficiency issues relating to this report.

14. **APPENDICES**

Appendix One: Organisations consulted on Statement of Licensing Policy
Appendix Two: Summary of written responses – Licensing Policy
Appendix Three: Summary of on line responses – Licensing Policy
Appendix Four: Proposed Changes to the Statement of Licensing Policy
Appendix Five: Draft Statement of Licensing Policy
Appendix Six: Proposal for Cumulative Impact Policy for Brick Lane Area
Appendix Seven: Consultation Results Summary
Appendix Eight: Statement of Gambling Policy amendment
Appendix Nine: Equality Impact- Licensing Policy
Appendix Ten: Equality Impact- Cumulative Impact Policy

Local Government Act, 1972 Section 100D (As amended) 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	

Appendix One

List of group /organisations consulted on the Statement of Licensing Policy

Residents / community groups / networks

Advice Providers Forum
Attlee Centre
Bangladeshi Mental Health Sector Forum
BowNET
Brick Lane Mosque
Carers Centre Together
Christ Church
Cloisters Residents Association
Community Plan Delivery Groups
Disability Coalition Tower Hamlets
Docklands Youth Services
Early Years Development and Childcare Partnership
Early Years Network Tower Hamlets (EYNTH)
East London Mosque/LMC
Employment and Training Forum
Homeless Networks for 3rd Sector groups
Link Age Plus
Local youth work forums
Mental Health Carer's Forum
Muslim Women's Collective
New Residents and Refugee Forum (Tower Hamlets)
Older People Services Provider Forum
Open Shoreditch
Osmani Centre
Police and Community Safety Board
Rainbow Hamlets (LGBT)
Real (Disability)
RSLs/RSL Forum
Safe Exit Forum
Somali Health Forum
SPIRE
Spitalfields Community Group
Spitalfields Housing Association Ltd
Spitalfields Market Residents' Association
Spitalfields Small Business Association
Spitalfields Society
St George Residents' Association
St Hildas East Community Centre
Supporting People Inclusive Forum
The Tower Hamlets Pan Disability Panel (THPDP)
The Voluntary Sector Children and Youth Forum (VSCYF)
Third Sector Advisory Group
Tower Hamlets ChangeUp Consortium
Tower Hamlets Community Advice Network (THCAN)
Tower Hamlets CVS/Third Sector Forums and Networks
Tower Hamlets Domestic Violence forum
Tower Hamlets Housing Forum
Tower Hamlets Inter Faith Forum
Tower Hamlets Involvement Network (THINK)
Tower Hamlets LGBT community forum
Ward panel Sergeants/Ward panel members

Community Safety Partnership (sub group leads)

Confidence and Satisfaction Board
Crime and Antisocial Behaviour Reduction Board
Drug and Alcohol Action Team
Integrated Offender Management Board
No Place for Hate
Safeguarding Boards (Children and Adults)
Violence Against Women and Girls Board
Youth Offending Team Management Board

Internal staff forums

Accessible Transport Forum
BAME Staff Forum - e-mail, on-line survey
Disabled staff forum
LGBT staff forum

Responsible authorities

Metropolitan Police Service
The Fire Authority
Health and Safety Authority
Planning Authority
Licensing Authority
Environmental Protection
Child Protection
Public Health

Youth Organisations and Clubs

4Children
4th Poplar Scout Group
5th Tower Hamlets Scout Group
A' Team Arts
Aberfeldy Youth Project
Air Cadets 444 (Mile End) Squadron
Ale Douvan
Alpha Grove Youth Club
Arbour Youth Centre
Bangladesh Football Association
Bangladesh Youth Movement
Bangladesh Youth Movement Women's Centre of Excellence
Bethnal Green Sharks Swimming Club
Bethnal Green Youth Consortium
Bijoy Youth Group
British Street Youth Project
Café Reconnect
Caxton Hall Late Night Youth Project
Chisenhale Dance Space
Chisenhale Gallery
Christ Church Gardens Youth And Community Centre
Complete Works Creative Company
Columbia Youth Project
Cubitt Town Youth Project
Da Real Lyf Project
Davenant Youth Centre of Excellence
East London Football Club
East London Tabernacle Church

Eastside Youth Centre
Elite Youth
Ensign Youth Club
Fifth Tower Hamlets Scouts Group
George Green's School Youth Provision
Glamis Adventure Playground
Golden Moon Youth Project
Good Shepherd Mission
Grand Union Youth Orchestra of East London
Green Candle Dance Company
Greenlight Youth Club Ltd
Haileybury Youth Centre
Half Moon Young People's Theatre
Harpley Youth Project
Hermitage Mother Tongue and Study Support Centre
Hi8us South
Hind Grove Community Project
Ian Mikardo School
IndyMedia3 Productions
Iskaashi Youth Centre
Jagonari Women's Educational Resource Centre
Juva Youth Football Club Project
Keen Students School
Khelaghar Supplementary School
Limehouse Youth Club
Lincoln HARCA Junior Youth Club
Linc Senior Youth Project
Locksley Youth Club
London Tigers
Magic Me
Marner Youth Project
Martineau Youth Project
Maximising Unity and Leisure Youth Group
Meath Youth Project
Millennium Volunteers
Motiv8 Youth
Mudchute Farm
Multi Skill Development - Seven Mills School Sports Partnership
Multi Youth In Bow
New Generation Youth Club
Newark Youth Project
New Avenues Youth and Community Project
Ocean Somali Community Association
Ocean Youth Connexions Ltd
OFHA Detached
Olga Education and Training Project
Open Youth
Osmani Trust
Paradise Zone Youth Centre
Poplar African & Caribbean Community Education Group
Poplar Boys and Girls Club
Poplar Harca - Linc Senior Youth Project
Poplar Youth Alliance
Poplar Youth Association Limited
Purple Broccoli Theatre Limited
Redcoat Youth Centre
Rich Mix Cultural Foundation
Saturday Music School
Shadow Youth Alliance
Shadwell Basin Outdoor Activity Centre

Somali Youth Development Association
 Somali Youth Project
 South Poplar and Limehouse Action for Secure Housing (SPLASH)
 Spitalfields City Farm
 Splash (South Poplar And Limehouse)
 Splash Youth and Community Programme
 St Andrews Wharf Youth Project
 St Hilda's Youth Project
 St Paul with St Stephen Youth Club
 Step Forward
 Stepney Dynamic Youth
 Stepping Stones Farm
 Stifford Community Centre
 Streets Of Growth
 Swanlea Youth Project
 Teviot Youth Project (Teviot Youth Club)
 The Federation of London Youth Clubs (London Youth)
 The GAP Project
 The Village Club
 Tower Hamlets Guides
 Tower Hamlets Summer University Limited
 Tower Hamlets Youth and Community Band
 Tower Hamlets Youth Exchange Group
 Tower Project SEN
 Udichi Shilpi Gosthi
 Urban@Attlee
 Urban Adventure Base
 Urban Youth
 Wapping Youth Centre
 Weavers Adventure Playground Association
 Wessex Girls and Young Women's Project
 Whitechapel Girls and Young Women's Project
 Whitechapel Youth Centre
 Workhouse
 Xse Academy
 Young Face of Africa UK
 Young Foundation (The)
 Young News
 Young Rose Association Limited
 Youth Action UK - Haileybury
 Youth Action UK - Whitechapel Youth Project (Boys)
 Youth Empowerment Scheme and Peace Project
 Youth Majlis

Advocacy Services

Carers Centre Tower Hamlets(Princess Royal Trust)
 Advocacy Partners
 Age Concern
 Alzheimer's Society – Tower Hamlets
 APASENTH
 Bilingual Health Advocacy and Interpreting Service
 Black Women's Health and Family Support
 Blind Aid
 Children's Society Disability Advocacy Project
 Chinese Mental Health Association
 Daryeelka Maanka
 DeafPLUS - Breakthrough Deaf and Hearing Integration
 Diabetes UK Advocacy Services
 Disability Law Service

Disability Coalition Tower Hamlets
Family Rights Group
Independent Complaints Advocacy Service
Legal Advice Centre Tower Hamlets
Mencap Tower Hamlets Advocacy Project
Mind In Tower Hamlets
Multi-lingual Health Advocacy Service
Positive East
Praxis Community Projects Ltd
Social Action For Health
The MAP Squad
Tower Hamlets Advocacy Project
Tower Hamlets Law Centre
Voicability
Women's Health and Family Services

RSL and Housing Forums

A2 Dominion
Eastend Homes
East Thames
Gateway Housing Association
Industrial Dwellings Society
Karin Housing Association
Look Ahead Housing & Care
Mitali Housing Association
Mornington Grove Housing Co-Operative Limited
Newlon
OFHA
One Housing Group
Peabody Trust
Peter Bedford Housing Association
Poplar HARCA (Housing and Regeneration Community Association)
Providence Row Housing Association
Reside Housing Association Limited
Sangam Housing Co-Operative Limited
South Poplar and Limehouse Action for Secure Housing (SPLASH)
Southern Housing Group Limited
Spitalfields Housing Association
St Margaret's House Settlement
Swan Housing Association
The Kipper Project
Tower Hamlets Community Housing Ltd (THCH)
Tower Hamlets Homes

Appendix Two

Statement of Licensing Policy Review 2013

Summary of written responses

Group	Change of framework hours	Consult on Late Night Levy	Early Morning Restriction Orders	Increase 40m consultation range	Searchable database	Other
Spitalfields Community Group	n/a	Yes	Yes	Yes	Yes	n/a
Eaton Terrace Residents Association	Yes	n/a	n/a	Yes	n/a	n/a
SPIRE	Yes	Yes	Yes	Yes	Yes	WC provision in Brick Lane
Secrets (St Katherines) Ltd	n/a	No	No	n/a	n/a	n/a
BanglaTown Restaurant Association	n/a	n/a	n/a	n/a	n/a	No to prescribing Capacities, SIA door supervisors, CCTV storage. To permit on street promotion in cooperation with BTRA, Residents and Council
Resident	Yes	n/a	n/a	n/a	n/a	n/a

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Appendix Three

On line Responses to the Statement of Licensing Policy Review

Response	Background	Integrating Strategies	Pool of Conditions	Late Night Levy Consultation	Early Morning Restriction Orders	'No Casino' Resolution	Other Comments
Resident		Noise limits enforced in Victoria Park					Longer consultation time needed. Live Music Act deregulation inappropriate.
Thames Reach	Impact of Off Licences should be considered	Health and welfare to be considered	Additional conditions on illicit products	Yes		Yes	Consider restrictions on selling alcohol from Off Licences with a strength of more than 5.6% as this has an impact on anti-social behaviour
Licence Holder				No	No	Yes	
Responsible Authority	Health to be a consideration		Health conditions to be considered	Yes	Yes	Yes	
Licence Holder	Include a more diverse range of leisure activities		Conditions to be considered on a case by case basis – not	No	No		Remove references to sexual Entertainment Venues until a policy is agreed

Unknown						No				
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Appendix Four

Proposed Statutory/Guidance Policy Changes to Statement of Licensing Policy

Reference	Area of change and reason	Proposal
Background and Context page 2	Remove: A Safe and Supportive Community. A Healthy and Supportive Community Policy Update	A Safe and Cohesive Community A Healthy and Supportive Community
Policy page 3	Policy review period Legal Update	Policy is to be reviewed every five years
Consultation page 3	Publishing date of Policy – remove 2011 Contextual Update	Policy will be published in 2013
Consultation page 3	Removal of Crime and Reduction Partnership Contextual Update	Community Safety Partnership
Main Principles of Licensing Policy: Section 4.6 page 4	Delete due to change in the law Legal Update	The Police Reform and Social Responsibility Act introduced the provision for the licensing authority to make representations. The licensing authority will not make representations that should be made by another responsible authority. The licensing authority may wish to make representations on its own account when they could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by licensing officers or which undermines the licensing objectives.
Main Principles of Licensing Policy page 4	Expansion of items covered under objectives Contextual Update	Addition:

		<ul style="list-style-type: none"> • <i>The prevention of crime and disorder</i> <p>Consideration, among other things, a prescribed capacity; door supervisors; an appropriate ratio of tables and chairs to customers; and a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.</p> <ul style="list-style-type: none"> • <i>Public safety</i> <p>Consideration of requiring specific types of training for a DPS or security staff, including awareness of first aid or initiatives to protect women and vulnerable customers; provision and storage of CCTV footage; and ensuring safe departure of those using the premises.</p> <ul style="list-style-type: none"> • <i>The prevention of public nuisance</i> <p>Consideration the prevention of irresponsible promotions, methods of preventing and managing noise and light pollution; and ways of managing litter.</p> <ul style="list-style-type: none"> • <i>The protection of children from harm</i> <p>Consideration of age verification schemes; test purchasing policies; and restrictions on the hours when children may be present.</p>
Health as a responsible authority	<p>Addition due to change in law Legal Update</p>	<p>Addition: the Directors of Public Health is also now a responsible authority. It is expected that the PCT/DPH will be particularly useful in providing evidence of alcohol-related health harms when the licensing authority revises its policy, (perhaps in relation to cumulative impact policies or early morning restriction orders). PCTs/DPHs may also be useful in providing evidence such</p>

Licensing Authority as a Responsible Authority	<p>as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.</p> <p>The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.</p> <p>The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.</p> <p>The Council as a Licensing authority is not expected to act as responsible authorities on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.</p> <p>It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.</p> <p>The 2003 Act enables the Council as a licensing authorities to act as a</p>
	<p>Addition due to a change in law</p> <p>Legal Update</p>

	<p>responsible authority as a means of early intervention; it may do so where it considers it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.</p> <p>The Council recognises that in cases where it as the licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.</p> <p>The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different individual to the officer who is acting for the responsible authority.</p> <p>The officer acting for responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing.</p> <p>At the outset, of an application, or another licensing process a Licensing Officer in the Licensing Team will be allocated to act as the Licensing authority acting as a responsible authority. This licensing officer is not involved in the application process but sets up a separate record to consider the application for the authority in its capacity as responsible authority, engaging with other</p>
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		responsible authorities where appropriate and determining whether the authority acting as a responsible authority wants to make a representation. In certain circumstances the officer acting for the Licensing Authority as a Responsible Authority will be an officer from another team.
Main Principles of the Licensing Policy; Section 4.15	Delete Licensing Service Manager Contextual Update	Add; Trading Standards and Licensing Manager
Main Principles of the Licensing Policy; Section 4.17	The Councils voluntary consultation process Contextual Update	Members Licensing Committee. The statutory consultation period will not be extended providing the Council has been given a full application by the applicant. The voluntary consultation carried out by the Licensing Team, detailed in para 4.15 and 4.16 will be carried out at the determination of the Trading Standards and Licensing Manager. If the licensing authority in the unlikely event fails to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing of delaying any application.
Crime and Disorder Section 5	Addition of control of illicit goods. Inclusion of conditions Contextual Update	Illicit Goods: alcohol and tobacco The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives. Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products”. Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.

		<p>In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".</p> <p>The Licensing Authority will exercise its discretion to add a standard condition as follows:-</p> <p>Smuggled goods</p> <p>1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.</p> <p>2) The premises licence holder shall ensure that all receipts for goods bought include the following details:</p> <ol style="list-style-type: none"> I. Seller's name and address II. Seller's company details, if applicable III. Seller's VAT details, if applicable IV. Vehicle registration detail, if applicable <p>3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.</p> <p>4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.</p> <p>5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.</p>
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Touting section 5.7	Provision of touting conditions Contextual Update	<p>5.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits "touting as follows:-</p> <p>No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises as shown edged red on the attached plan.(marked as Appendix -)</p> <p>Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.</p>
Cumulative Effect: page 8	Currently consulting on a Cumulative Impact Zone in the west of the Borough Delete 6.7 Policy Update	<p>Addition at 6.7 After public consultation which concludes on the 22nd March 2013, the western part of the Borough may be declared as a Cumulative impact zone. If this is adopted it will be included as part of the Licensing Policy, when the Licensing Policy is presented to full Council. The effect of adopting such a policy is to create a rebuttable presumption that a licence application which is likely to add to the existing cumulative impact will normally be refused following relevant representations. The cumulative impact zone will have an effect on alcohol on sales, alcohol off sales and late night refreshment licence applications.</p>
Cumulative Effect para 6.8 page 9	Review period for a cumulative impact zones Legal Update	Change from 3 years to 5 years to fit in with the licensing policy.
Cumulative Effect para 6.12 and 6.13	Effects of a cumulative impact zone Policy Update	Deletion of para 6.12 and 6.13 – this has been covered with the introduction of the cumulative impact zone (currently out for consultation).
Health Considerations page 13	Insertion of health considerations Policy Update	<ul style="list-style-type: none"> Health Considerations of Licensing <p>Excess alcohol consumption can lead to a wide range of personal health related harms which are well documented in both the Alcohol Joint Strategic Needs Assessment factsheet and Tower Hamlets Substance Misuse Strategy.</p>

		<p>The short-term negative health effects of hazardous drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents, while regular alcohol consumption can lead to heart disease, stroke, liver disease, stomach damage and certain types of cancerⁱ. Although these are important personal health related harms they, by and large, fall outside the scope of the four licensing objectives as defined in the Licensing Act.</p> <p>However the consequences of drinking go far beyond the individual drinker's health and well-being. They include harm to the unborn foetus, acts of drunken violence, vandalism, sexual assault and child abuse, and a huge health burden carried by both the NHS and friends and family who care for those damaged by alcohol. Many of these affects are relevant to the licensing regimeⁱⁱ. The short-term negative health effects of harmful drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidentsⁱⁱⁱ.</p>
Strategies page16	<p>Late Night Levy consideration Legal Update</p>	<p>Addition: The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.</p> <p>Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.</p> <p>Guidance has also been introduced in relation to:</p> <ul style="list-style-type: none"> • implementing the levy and the consultation process • the design of the levy • exemptions from the levy

		<ul style="list-style-type: none"> • reductions in levy charges • how revenue raised from the levy may be spent • the levy charges • the levy collection process <p>With regard to exemptions, the licensing authority will have discretion whether to exempt certain premises or not.</p> <p>Licensing Authorities also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.</p> <p>Any revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance, at paragraph 1.40 suggests that licensing authorities may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.</p> <p>These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that licensing authorities can choose whether or not to exercise.</p> <p>This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date. Initial views are sought from stakeholders during this consultation.</p>
Early Morning Restriction	Addition due to change in	Addition: The power for licensing authorities to introduce an EMRO is specified

<p>Orders</p>	<p>legislation Legal Update</p>	<p>in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.</p> <p>Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.</p> <p>Guidance has been introduced in relation to:</p> <ul style="list-style-type: none"> • the EMRO process • the evidence base • introducing an EMRO • advertising an EMRO • dealing with representations • hearings • implementation • limitations • enforcement <p>The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.</p> <p>The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.</p>
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		<p>The decision to implement an EMRO should be evidence based and licensing authorities may wish to outline in the policy the grounds which they will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits. The Licensing Authority reserves the right to introduce an EMRO if it so desires and consultation and evidence from responsible authorities demonstrates the need.</p> <p>The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.</p> <p>This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date. Initial views are sought from stakeholders during this consultation.</p>
Duplication page 17	Duplication of legislation Contextual Update	<p>Addition at 14.9: The responsible authorities are committed to avoid duplication with other regulatory regimes and the control measures contained in any conditions which are provided for in other legislation. This Policy does not intend to duplicate existing legislation and regulatory regimes that are already places obligations on employers and operators.</p> <p>The Licensing Policy does not deal with Sexual Entertainment Venues. These can be dealt with by a separate legislative regime if the Council adopts amendments to the Local Government (Miscellaneous Provision) Act 1982 schedule 3 which requires the development of a separate policy as required by that statute. Until this is adopted the following will apply.</p>
Striptease page17	Change of heading Contextual Update	<p>Delete para 15.10 and 15.11</p>
Striptease page 17	Deletion of old consultations Contextual Update	
Enforcement page 19	Enforcement update Legal Update	<p>Addition at 16.4 ' In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Councils</p>

Conditions		<p>website. In most cases a graduated form of response will be used to resolve issues of non-compliance although it is recognised that in serious cases a prosecution or a review application are appropriate means of disposal. The Council will use test purchases as a legitimate way to determine compliance to the license conditions. Failed test purchases will be disposed with by reference to the Council Enforcement Policy.</p> <p>Add: Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.</p> <p>Conditions should be:</p> <ul style="list-style-type: none"> • clear • enforceable • evidenced • proportionate • relevant • be expressed in plain language capable of being understood by those expected to comply with them. <p>Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.</p> <p>Licensing authority cannot impose blanket standard conditions. A pool of conditions is included in the appendix.</p> <p>Conditions can only be carried forward from a premises licence or club premises certificate onto a TEN where relevant objections have been made by</p>
	<p>Addition on the clarification on the use of conditions</p> <p>Contextual Update</p>	

		the police or Environmental Health.
Live Music	Deletion of open spaces report Contextual Update	Delete para 17.4 and 17.5
Live Music Act 2012	Addition of new legislation Legal Update	<p>Addition: The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act :</p> <ul style="list-style-type: none"> • Removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence relating to premises authorised to supply alcohol for consumption on the premises. • Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence. • Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces (but not necessarily for workers) not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment). • Removes the licensing requirement for the provision of entertainment facilities and widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music. •

Risk assessments	Update of Police details page 20 Contextual Update	Delete 'email site at (please insert hyperlink)	
Temporary Event Notices Process	Addition about late Tens page 22 Legal Update	<p>Addition. Late TENS are limited in number and can be prevented by a single objection from a responsible authority. The maximum time period of a TEN is 168 hours.</p> <p>A Cumulative Impact policy is designed to reduce crime. Disorder and nuisance from a concentration of licensed premises. If a Cumulative Impact Policy is adopted it is possible that objections will be made by the police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the designated zone.</p>	
Licence Suspensions	New legislation Legal Update	<p>Addition: This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. The council must suspend premises licences and club premises certificates on the non-payment of annual fees.</p> <p>The regulations state that the premises licence holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.</p> <p>A single request for payment will be sent and the licensing Authority will then take measures to suspend the licence if payment is not received within 28 days.</p> <p>Income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment or licence surrendered</p>	

Table of delegation	Update for new powers Legal Update	<ul style="list-style-type: none"> • Officers in all cases • power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees • power to specify the date on which suspension takes effect. This must be at least 2 working days • power to impose existing conditions on a premises licence, club premises certificate, and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003 <p>power to make representations as responsible authority</p> <p>Add: Application forms, fees, and details regarding each type of application, including the minor variations process can be obtained from the Councils website or by contacting the Licensing Team on 0207 364 5008 or licensing@towerhamlets.gov.uk.</p> <p>The Licensing Authority encourages informal discussion before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals.</p>
Advice and Guidance	Additional guidance Contextual Update	
Appendix One	Update on health as a responsible authority Legal Update	<p>Add;</p> <p>Director of Public Health London Borough of Tower Hamlets Mulberry Place Clove Crescent London E14 1BY</p>

Licensing Policy under the Licensing Act 2003

Contents

Contents	Page 1
Background and Context	Page 2
Section 1 Introduction.....	Page 3
Section 2 The Policy	Page 3
Section 3 Consultation	Page 3
Section 4 Main Principles of the Licensing Policy	Pages 4
Section 5 The Licensing Authority as a Responsible Authority	Pages 7
Section 6 Crime and Disorder	Pages 8
Section 7 Cumulative Effect.....	Pages 12
Section 8 Special Cumulative Impact Policy for Brick Lane	Pages 13
Section 9 Public Safety	Page 15
Section 10 Prevention of Nuisance	Page 16
Section 11 Prevention of Harm to Children	Pages 16
Section 12 Access to Cinemas	Pages 18
Section 13 Children and Public Entertainment	Pages 18
Section 14 Health Considerations of Licensing	Page 19
Section 15 Licensing Hours.....	Pages 20
Section 16 Shops, Stores and Supermarkets	Page 22
Section 17 Integrating Strategies and Avoiding Duplication	Pages 23
Section 18 Striptease	Pages 26
Section 19 Enforcement	Pages 28
Section 20 Live Music, Dancing and Theatre	Pages 29
Section 21 Risk Assessments	Pages 30
Section 22 Temporary Event Notices Process	Pages 31
Section 23 Review Process	Pages 32
Section 24 Responsibilities of Licence Holders	Page 34
Section 25 No Traveller Signs	Page 34
Section 26 Promotion of Racial Equality.....	Page 34
Section 27 Duplication	Page 35
Section 28 Administration, Exercise and	Pages 35
Delegation of Functions	
Table of Delegations of Licensing Functions ...	Pages 35
Appendix 1 List of Responsible Authorities	Pages 38
Appendix 2 Mandatory Conditions	Pages 41
Appendix 3 List of Government Pool Conditions	Pages 43
Appendix 4 Licensing Contact Details	Page 73

Background and Context

This Policy should be read in conjunction with:

The Licensing Act 2003 available from www.hmso.gov.uk/acts/acts2003/20030017.htm or by telephoning 01603 723011

Government Guidance under Section 182 of the Licensing Act 2003:
available on the website www.dcms.gov.uk or by telephoning 020 7211 6200

Tower Hamlets guidance documents on making applications under the Licensing Act 2003 available from http://www.towerhamlets.gov.uk/lgsi/851-900/860_alcohol_and_entertainment.aspx
Or available from the Licensing Service on 020 7364 5008

Tower Hamlets is a Borough that is diverse, improves choice and provides enjoyment for residents and visitors to the Borough of all ages. We want to provide an environment that is safe and welcoming for all to enjoy. While at the same time we also want to ensure that we protect the quality of life for our residents by ensuring that we have sensible controls that keep anti-social behaviour, and undesirable developments selling hot food and drink between 23:00 and 05:00 to a minimum.

However the policy only applies where the discretion of the licensing authority is engaged. That is, all applications which are unopposed must be granted as applied for. The only conditions that can be applied must relate to statements made in the application itself.

The Licensing Policy objectives and associated benefits have clear links with the Council's vision to improve the quality of life for everyone living and working in the Borough.

The four major themes that the Council have set out in the Tower Hamlets Partnership's Community Plan by means of which the vision is delivered are:

A Great Place to Live

A Prosperous Community

A Safe and Cohesive Community

A Healthy and Supportive Community

There's more detailed information about the four themes, and how they support One Tower Hamlets at:
www.towerhamlets.gov.uk/lgsi/.../800022_community_plan.aspx

1 Introduction

1.1 Tower Hamlets Council is the Licensing Authority under the Licensing Act 2003 (the Act) and is responsible for granting licences in the Borough. This policy covers the following activities:

- Retail supply of alcohol
- Supply of alcohol to club members
- Provision of regulated entertainment
- Supply of hot food and / or drink between 23:00 and 05:00 hours

2 The Policy

2.1 The 2003 Act requires that the Council, after consultation, adopts and publishes a Licensing Policy. It is a requirement that this Policy is reviewed at least every **five** years. The Licensing Authority will generally apply the policy when making decisions on applications made under the Act. However each individual application must still be treated on its own merits and must be given proper consideration.

2.2 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and the draft Guidance issued under Section 182 of the Act.

3 Consultation

3.1 The Council recognises the important role of responsible authorities, the licensing trade, local residents and other stakeholders have to play in influencing this Policy. The Council will consider a wide range of views that are made in response to the consultation before finalising and publishing the policy in 201**3**.

3.2 The Council will ensure that its consultation is broadly based, available on the internet and the responsible authorities as well as wide range of community, public, welfare and religious organisations are consulted.

3.3 The Council will give due weight to the views of all the persons / bodies consulted before the Policy Statement is agreed and implemented by the Council.

3.4 The Licensing Authority undertakes to involve the Tower Hamlets **Community Safety** Partnership (or equivalent organisation) in policy development and review.

3.5 All major reviews will be broadly based, as well as complying with statutory requirements.

4 Main Principles of the Licensing Policy

4.1 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:-

4.2 *The prevention of crime and disorder*

Consideration, among other things, a prescribed capacity; door supervisors; an appropriate ratio of tables and chairs to customers; and a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

4.3 *Public safety*

Consideration of requiring specific types of training for a DPS or security staff, including awareness of first aid or initiatives to protect women and vulnerable customers; provision and storage of CCTV footage; and ensuring safe departure of those using the premises.

4.4 *The prevention of public nuisance*

Consideration of the prevention of irresponsible promotions, methods of preventing and managing noise and light pollution, and ways of managing litter.

4.5 *The protection of children from harm*

Consideration of age verification schemes, test purchasing policies, and restrictions on the hours when children may be present.

4.6 All of the Policy and its implementation must be consistent with those four objectives.

4.7 Nothing in the Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits and / or override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

4.8 Licensing is about the control of licensed activities in licensed premises and the people in control of selling alcohol and or selling hot food and drinks past 23:00hrs and before 05:00 hrs. Conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

- 4.9 In relation to all applications, however, if its discretion is engaged, the Licensing Authority will also consider the impact on the vicinity of the application.
- 4.10 The Police Reform and Social Responsibility Act introduced the provision for the licensing authority to make representations. The licensing authority will not make representations that should be made by another responsible authority. The licensing authority may wish to make representations on its own account when they could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by licensing officers or which undermines the licensing objectives.
- 4.11 The Directors of Public Health (DPH) is also now a responsible authority. It is expected that the DPH will be particularly useful in providing evidence of alcohol-related health harms (perhaps in relation to cumulative impact policies or early morning restriction orders). The DPH may also be useful in providing evidence such as alcohol-related Accident & Emergency admissions or ambulance service data that might be directly relevant to an application under the Act.
- 4.12 If representations are made by a "responsible authority" or interested party a hearing would then be convened where the Licensing Authority would exercise its discretion.
- 4.13 Where no representations are made the application must be granted subject only to the mandatory conditions or conditions that are consistent with the applicant's operating schedule.
- 4.14 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.15 Licensing laws are not the primary method of controlling anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, they are a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.

4.16 In this respect, the Licensing Authority recognises that, apart from the licensing function, (and issues around cumulative effect) there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including (the list is not exhaustive):_

- planning controls
- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
- designation of parts of the Borough as places where alcohol may not be consumed publicly
- regularly liaison with Borough Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate

4.17 The Licensing Authority recognises the positive benefits that the leisure industry brings to the Borough. This includes not just jobs and associated regeneration but also through music, dance and other entertainment that celebrates the rich mixture of cultural diversity and creativity that exists in the Borough.

4.18 The responsible authorities are given in **Appendix 1**.

4.19 The consultation with local residents about a premises or club which is applying for a licence is carried out by the business which is applying for the licence. Notification of applications under the Licensing Act 2003 is limited to an advertisement in a local paper and the display of a pale blue notice on the premises, both done by the applicant.

4.20 Following consultation the Licensing Authority has determined to itself contact all residents and businesses within 40 meters of the applicant's premises, where the application is for a new club or premises licence or its variation. The consultation will be strictly neutral, and will repeat the information required in the statutory notification.

4.21 For larger events and premises of a capacity of more than 1000 persons the Council will carry out a reasonable and relevant level of consultation with local residents and businesses. The scope of this consultation will be decided by the **Trading Standards and Licensing Service Manager**.

4.22 The statutory consultation period will not be extended providing the Council has been given a full application by the applicant. The voluntary consultation carried out by the Licensing Team, detailed in para 4.20 and 4.21 will be carried out at the determination of the Trading Standards and Licensing Manager. If the licensing authority in the unlikely event fails to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application.

5 The Licensing Authority as a Responsible Authority

5.1 The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.

5.2 The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.

5.3 The Council as a Licensing authority is not expected to act as responsible authorities on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.

5.4 It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

- 5.5 The 2003 Act enables the Council as a licensing authorities to act as a responsible authority as a means of early intervention; it may do so where it considers it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 5.6 The Council recognises that in cases where it as the licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.
- 5.7 The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different individual to the officer who is acting for the responsible authority.
- 5.8 The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing.
- 5.9 At the outset, of an application, or another licensing process a Licensing Officer in the Licensing Team will be allocated to act as the Licensing authority acting as a responsible authority. This licensing officer is not involved in the application process but sets up a separate record to consider the application for the authority in its capacity as responsible authority, engaging with other responsible authorities where appropriate and determining whether the authority acting as a responsible authority wants to make a representation. In certain circumstances the officer acting for the Licensing Authority as a Responsible Authority will be an officer from another team.

6 Crime and Disorder

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and

disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.

- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 **Touting** - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them. Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.
- 6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

7 Cumulative Effect

- 7.1 The Licensing Authority will not take 'need' into account when considering an application (i.e. commercial demand), as this is not a licensing objective. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.
- 7.2 Representations may be received from a responsible authority / interested party that an area has become saturated with premises, which has made it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 7.3 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 7.4 The Licensing Authority will take the following steps when considering whether to adopt a special saturation policy:-
- identification of serious and chronic concern from a responsible authority or representatives of residents about nuisance and disorder
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - assessing the causes
 - adopting a policy about future licence applications from that area
- 7.5 The Licensing Authority will not adopt a "cumulative impact" policy in relation to a particular area without having consulted individuals and organisations listed in Section 5(3) of the Licensing Act (i.e. those who have to be consulted about this policy). It will also have ensured that there is consultation with local residents.
- 7.6 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally of the grant of the particular application in front of them.

- 7.7 However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 7.8 The Licensing Authority will review any special saturation policies every **five** years to see whether they have had the effect intended, and whether they are still required.
- 7.9 The Licensing Authority will not use such policies solely:-
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
 - to impose any form of quota
- 7.10 The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community.
- 7.11 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

8 Special Cumulative Impact Policy for the Brick Lane Area

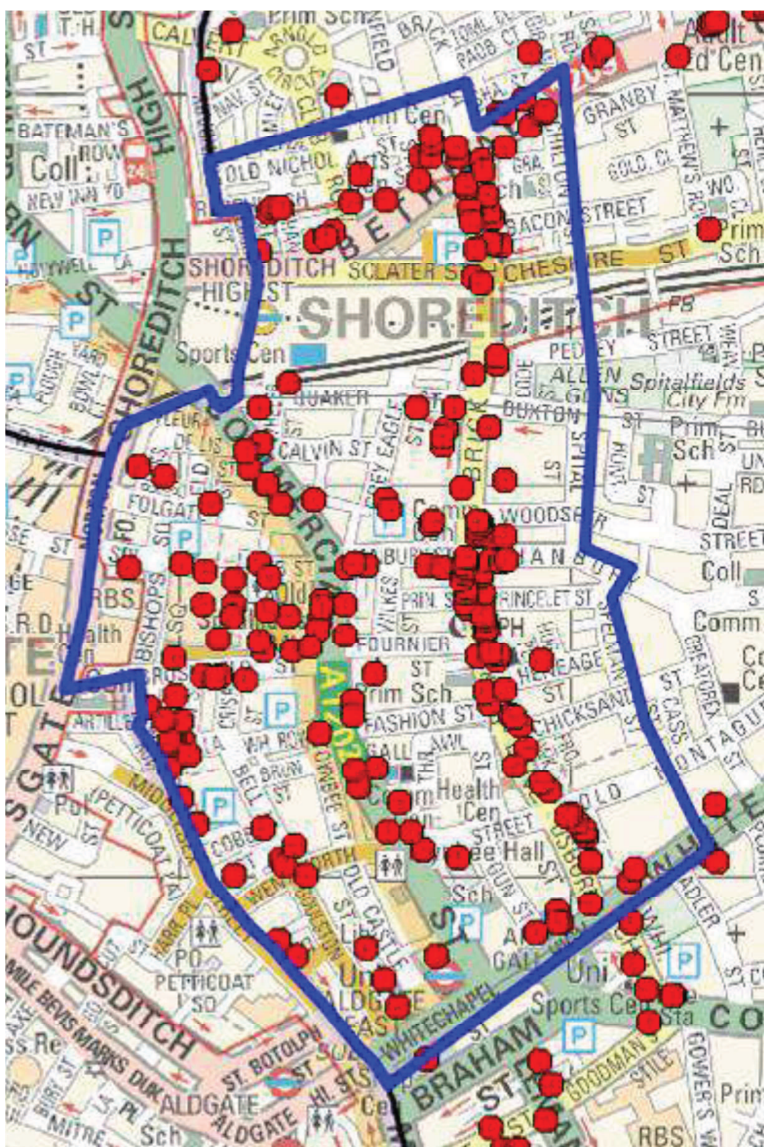
- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises 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 Brick Lane Area as defined in Figure One, 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.
- 8.3 The Licensing Authority is now of 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 area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

- 8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Map courtesy of Metropolitan Police

9 Public Safety

- 9.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 9.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire and Emergency Planning Authority before preparing their plans and Schedules.
- 9.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with

the licensable activity, any requirements that are specific to the premises.

- 9.4 The Licensing Authority, where its discretion is engaged, will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a Model Pool of Conditions as proportionate and appropriate are contained in Appendix 2.
- 9.5 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

10 Prevention of Nuisance

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

11 Prevention of Harm to Children

- 11.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 11.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 11.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 11.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided
- Where irresponsible drinking is encouraged or permitted.

11.5 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on ages below 18
- Limitations or exclusion when certain activities are taking place
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

11.6 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.

- 11.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 11.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.
- 11.9 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm.

12 Access to Cinemas

- 12.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 12.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 12.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

13 Children and Public Entertainment

- 13.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.

- 13.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - No child unless accompanied by an adult to be permitted in the front row of any balcony
 - No standing to be permitted in any part of the auditorium during the Performance
- 13.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.
- 13.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

14 Health Considerations of Licensing

- 14.1 Excess alcohol consumption can lead to a wide range of personal health related harms which are well documented in both the Alcohol Joint Strategic Needs Assessment factsheet and Tower Hamlets Substance Misuse Strategy. The short-term negative health effects of hazardous drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents, while regular alcohol consumption can lead to heart disease, stroke, liver disease, stomach damage and certain types of cancer . Although these are important personal health related harms they, by and large, fall outside the scope of the four licensing objectives as defined in the Licensing Act.
- 14.2 However the consequences of drinking go far beyond the individual drinker's health and well-being. They include harm to the unborn fetus, acts of drunken violence, vandalism, sexual assault and child abuse, and a huge health burden carried by both the NHS and friends and family who care for those damaged by alcohol. Many of these affects are relevant to the licensing regime.
- 14.3 The short-term negative health effects of harmful drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents .

15 Licensing Hours

- 15.1 This Part of the Statement details the Licensing Authority's approach to licensing hours. It states the reasons for the policy and identifies the issues the Licensing Authority will take into account when considering applications during the framework hours. It only has any application when the discretion of the local authority is engaged.
- 15.2 The policy set out in this Part applies to applications for:-
- a new premises licence;
 - a new club premises certificate;
 - variation of a converted premises licence;
 - variation of an existing premises licence;
 - variation of a converted club registration certificate; and
 - variation of an existing club premises certificate where relevant representations are made.
- 15.3 The policies set out in this Part may, depending on the circumstances of the application, apply to applications for a provisional statement.
- 15.4 Any condition setting out the hours of premises refers to the hours during which alcohol may be sold or supplied or (as appropriate) the hours during which other licensable activities may take place pursuant to the premises licence or club premises certificate. In attaching conditions on hours the Licensing Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the cessation of licensable activities.
- 15.5 Tower Hamlets has a number of licensed venues that already have extended licensing hours. It also borders other London councils that have high concentrations of licensed premises including premises with extended licensing hours.
The Licensing Authority considers that the possibility of disturbance to residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken.
- 15.6 The Licensing Authority is concerned to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning. For these reasons, applications to carry on licensable activities at any time outside the framework hours will be considered on their own merits with particular regard to the matters set out in the Policy section below.

15.7 The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.

15.8 Sunday - 06 00 hrs to 22 30 hrs
Monday to Thursday - 06 00 hrs to 23 30 hrs
Friday and Saturday - 06 00hrs and midnight

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

- a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.
- c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.
- d) Where the premises have been previously licensed, the past operation of the premises.
- e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

- 15.9 Applicants who apply for authorisation to carry on licensable activities, throughout the entirety of the hours outside the framework hours, when they do not intend to operate at these times run a risk that Responsible Authorities and interested parties may be more inclined, than they might otherwise be, to make relevant representations about the application.

Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when considering applications to carry on licensable activities outside the framework hours. Subject to any relevant representations that may be made to the contrary in individual cases, premises where the following licensable activities are authorised are not considered to make a significant contribution to the problems of late-night antisocial behaviour, and as such these premises will generally have greater freedom to operate outside the framework hours. These premises are:-

- Theatres.
- Cinemas.
- Premises with a club premises certificate.

- 15.10 In addition and in relation to all applications, whatever the hours applied for where its discretion is engaged, the Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents.
- 15.11 Where a negative impact is likely on local residents or businesses it is expected that the applicants' operating schedule will describe how this impact will be minimised.

16 Shops, Stores and Supermarkets

- 16.1 The Licensing Authority will generally licence shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 16.2 However, it may consider there are very good reasons for restricting those hours, for example, where police representations are made in respect of particular premises known by them to be the focus of disorder and disturbance.

17 Integrating Strategies and Avoiding Duplication

- 17.1 The Council's licensing function relates, in broad terms to a number of other matters in particular;
- Local crime prevention
 - Planning
 - Transport
 - Tourism
 - Cultural strategies
 - The night time economy
- 17.2 The Licensing Authority will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism, cultural and night time economy strategies.
- 17.3 The Licensing Authority will arrange for protocols with the Borough Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from relevant venues in the Borough.
- 17.4 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their decisions:
- The needs of the local tourist economy and cultural strategy for the Borough, and
 - The employment situation in the Borough and the need for investment and employment where appropriate
 - The night time economy, its economic contribution to the Borough and the Council's strategy for its development and management. As the Council develops its policy towards the night time economy, through Community Plans or Town Centre Plans and Core Strategies, otherwise the Licensing Policy will be reviewed as necessary.
- 17.5 Planning, Building Control and Licensing regimes are properly separated by the Licensing Authority, who wishes to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

- 17.6 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 17.7 The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 17.8 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 17.9 Applicants for new premise or club licences or variations of them are advised to consult the London Borough of Tower Hamlets' Planning Authority about any planning restrictions which may apply to their premises. The Planning website is <http://www.towerhamlets.gov.uk/data/planning/index.cfm>.
- 17.10 The responsible authorities are committed to avoid duplication with other regulatory regimes and the control measures contained in any conditions which are provided for in other legislation. This Policy does not intend to duplicate existing legislation and regulatory regimes that are already places obligations on employers and operators.
- 17.11 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.
- 17.12 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.
- 17.13 Guidance has also been introduced in relation to:
- implementing the levy and the consultation process
 - the design of the levy
 - exemptions from the levy
 - reductions in levy charges
 - how revenue raised from the levy may be spent
 - the levy charges
 - the levy collection process
- 17.14 With regard to exemptions, the licensing authority will have discretion whether to exempt certain premises or not.

- 17.15 Licensing Authorities also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 17.16 Any revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance, at paragraph 1.40 suggests that licensing authorities may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.
- 17.17 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that licensing authorities can choose whether or not to exercise.
- 17.18 This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date.
- 17.19 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.
- 17.20 Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.
- 17.21 Guidance has been introduced in relation to:
- the EMRO process
 - the evidence base
 - introducing an EMRO
 - advertising an EMRO
 - dealing with representations
 - hearings
 - implementation
 - limitations
 - enforcement
- 17.22 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour.
- 17.23 The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

17.24 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

17.25 The decision to implement an EMRO should be evidence based and licensing authorities may wish to outline in the policy the grounds which they will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits. The Licensing Authority reserves the right to introduce an EMRO if it so desires and consultation and evidence from responsible authorities demonstrates the need.

17.26 The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.

18 Sexual Entertainment

The Licensing Policy does not deal with Sexual Entertainment Venues. These can be dealt with by a separate legislative regime if the Council adopts amendments to the Local Government (Miscellaneous Provision) Act 1982 schedule 3 which requires the development of a separate policy as required by that statute.

Until this is adopted the following will apply

18.1 The Licensing Authority will only seek to attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives.

18.2 The Licensing Authority confirms that, if its discretion is engaged and where appropriate and necessary for the promotion of the licensing objectives it will use the Government's suggested model pool of conditions that are attached as an Appendix 2 to the Licensing Authority.

18.3 In addition standard conditions required by the Licensing Act 2003, its regulations or guidance will be attached as relevant.

18.4 The licensing authority when its discretion is engaged will always consider all applications on their individual merits, however all applications involving adult entertainment of nudity or semi-nudity are unlikely to be successful where the premises is in the vicinity of:

- Residential accommodation;
- schools;
- places of worship;
- other premises where entertainment of a similar nature takes place;
- community centers; and
- youth clubs.

- 18.5 Only nudity or semi-nudity which is predominantly the performance of dance to music is permitted by this policy. Sex Encounter establishments are controlled by the Local Government (Miscellaneous Provisions) Act 1982 as amended by Part 111 of the Greater London Council (General Powers) Act 1986, and the London Borough of Tower Hamlets has set a limit of zero on such establishments. The licensing authority will appropriately monitor the premises it has licensed to ensure that all performances involving nudity or semi-nudity are dance to music or a like entertainment, and take appropriate enforcement action if they are not.
- 18.6 Where its discretion is engaged the licensing authority will make enquiries to ensure that the proposed application is indeed for music and dance and not an activity which is caught by the Sex Encounter establishment legislation.
- 18.7 All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives.
- 18.8 All applications that do not specifically request nudity or semi-nudity will have a condition imposed which forbids it. This will be the case for both opposed and unopposed applications.
- 18.9 Where applications involving nudity or semi-nudity are made and its discretion is engaged the Licensing Authority will expect Operating Schedules to address the following matters and to include such conditions as are necessary to promote the licensing objectives:
- a. A code of conduct for dancers and appropriate disciplinary procedures, developed in consultation with the police and the council.
 - b. Rules of conduct for customers, developed in consultation with the police and the council.
 - c. Procedures to ensure that all staff employed in the premises have pre- employment checks including suitable proof of identity, age and (where required) permission to work.
 - d. The exclusion of persons under 18 from the premises when such activities are taking place.
 - e. That publicity and advertising does not cause offence to members of the local community

19 Enforcement

- 19.1 Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act and the Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 19.2 The Licensing Authority will work closely with Borough Police to establish protocols to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high risk premises.
- 19.3 The Licensing Authority considers the protection of minors to be a particular priority for enforcement and will, in partnership with other agencies, especially the Police, seek to use the criminal sanctions of the Licensing Act to their fullest extent to achieve such protection.
- 19.4 In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Council's website. In most cases a graduated form of response will be used to resolve issues of non-compliance although it is recognised that in serious cases a prosecution or a review application are appropriate means of disposal. The Council will use test purchases as a legitimate way to determine compliance to the license conditions. Failed test purchases will be disposed with by reference to the Council Enforcement Policy
- 19.5 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 19.6 Conditions should be:
clear
enforceable
evidenced
proportionate
be expressed in plain language capable of being understood by those expected to comply with them.
- 19.7 Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.
- 19.8 Licensing authority cannot impose blanket standard conditions. A pool of conditions is included in the appendix.

- 19.9 Conditions can only be carried forward from a premises licence or club premises certificate onto a TEN where relevant objections have been made by the police or Environmental Health.

20 Live Music, Dancing and Theatre

- 20.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the desirability of encouraging and promoting live music, dance, theatre and festivals for the wider cultural benefit of the community, particularly for children. This broad strategy includes all forms of licensable live entertainment. The Licensing Authority recognises that a rich cultural provision has a positive role in community cohesion.
- 20.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance these cultural needs with the necessity of promoting the licensing objectives.
- 20.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused. The Licensing Authority will regulate live performances on a risk assessed basis and we will be mindful of the licensing objectives and the need to ensure we are not committing disproportionate costs to regulation.
- 20.4 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act :
- 20.5 Removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence relating to premises authorised to supply alcohol for consumption on the premises.
- 20.6 Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence.
- 20.7 Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces (but not necessarily for workers) not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- 20.8 Removes the licensing requirement for the provision of entertainment facilities and widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

21 Risk Assessments

- 21.1 When the Licensing Authority's discretion is engaged it expects applicants to have regard to the advice of the Metropolitan Police in relation to the licensing objective of the prevention of crime and disorder. Therefore it recommends for significant events (please see note below for definition), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (as defined below) the Licensing Authority recommends that applicants carry out the Risk Assessment and debrief processes and when relevant include in their Operating Schedule.
- 21.2 The Licensing Authority further recommends the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 21.3 Forms 696 and 696A are available on the Metropolitan Police web completion and transmission of the forms is undertaken by licensees.
- 21.4 **Promotion or Event** - The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions.
- 21.5 The Premises Licence Conditions proposed by can be recommended as part of a pool of standard conditions. They will not be imposed on any licence as a condition, unless as suggested in the policy statement, applicants address risk assessment in their operating schedules, or one of the statutory authorities submits relevant representations for any application received. If conditions are to be applied, they will have to be relevant and proportionate to the matters raised in representations by the Responsible Authorities.
- 21.6 The recommended risk assessment conditions are:
Prevention of Crime and Disorder - The licensee shall undertake a risk assessment of any significant promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than **14 days** before the event is due to take place.

- 21.7 Where an 'event' has taken place, the licensee shall complete an MPS after Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

*submission of electronic documents by e-mail is preferred.

21.8 Definition of a 'Significant Event'

This definition relates to events that require a Promotion/Event Risk Assessment Form 696.

- 21.9 A significant event will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

- 21.10 Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.

22 Temporary Event Notices Process

- 22.1 The Licensing Act 2003 allows small scale events (for less than 500 people at a time and lasting for no longer than 96 hours) which include any licensable activities to be held without the need for a premises licence. However advance notice must be given to the Licensing Authority and the Metropolitan Police of at least ten full working days.

- 22.2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. The number of times a premise can be used in one year is limited to 12. In any other circumstances, full premises licence or club premises certificate would be required for the period of the event involved.

- 22.3 The Licensing authority, with other partners will assist organisers to plan their events safely, check that the limitations set down in the Act are being observed and that there are no limitations or restrictions under other legislation.

- 22.4 The Police must also be notified of an application. This allows the Police to intervene if necessary in order to prevent crime and disorder.

- 22.5 Organisers of outdoor events are strongly advised to contact the Council's Arts and Leisure section, Environmental Health and Health and Safety as well as the emergency services for advice.

- 22.6 Late TENS are limited in number and can be prevented by a single objection from a responsible authority. The maximum time period of a TEN is 168 hours.

22.7 A Cumulative Impact policy is designed to reduce crime. Disorder and nuisance from a concentration of licensed premises. Due to the Cumulative Impact Policy it is possible that objections will be made by the police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the designated zone.

22.8 The Licensing Authority expects to be given 28 days' notice of temporary events, and for them to have been discussed with the Metropolitan Police before submission to the Council.

23 Review Process

23.1 Working in partnership

The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, the Police, Fire Authority and the Licensing Authority. The licensing authority will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement

23.2 Purpose of reviews:

The review process is integral to the operation of the Licensing Act 2003. The Government's intention is a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the Licensing Authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the Responsible Authorities and the interested parties to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence.

23.3 Proceedings

Under the Licensing Act 2003 for reviewing a premises licence are provided as protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

23.4 Initiating Reviews

At any stage, following the grant of a premises licence, any of the Responsible Authorities or any interested party, such as a resident living in the vicinity of the premises and Councillors, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

23.5 The Police and Environmental Health Officers have various additional powers of - closure. The Licensing Authority cannot initiate its own reviews of premises licences, however, officers of the London Borough of Tower Hamlets who are specified as Responsible Authorities under the Act may request reviews.

- 23.6 In every review case an evidential basis for the allegations made will need to be submitted to the Licensing Authority. When a request for a review is initiated from an interested party, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.
- 23.7 Where the Licensing Authority receives a request for a review in accordance with the closure procedures contained in legislation it will arrange a hearing in accordance with the regulations set out by the Government.
- 23.8 Powers following determination of review - The Licensing Authority in determining a review may exercise the range of powers given to them to promote the licensing objectives. The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:
- a. Modifying the conditions of the premises licence (which includes the addition of a condition or any alteration or omission of an existing condition temporarily or permanently);
 - b. Excluding a licensable activity from the scope of the licence;
 - c. Removing the designated supervisor;
 - d. Suspending the licence for a period not exceeding three months;
 - e. Revoking the licence.

Steps that can be taken by the Council include:

- a. Taking no action;
 - b. Issuing an informal warning;
 - c. Recommending improvements within a particular time;
 - d. Monitoring by regular inspection and invite to seek a further review if problems persist.
- 23.9 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, the revocation of the licence will be seriously considered. However, revocation also remains an option if other licensing objectives are being undermined.

23.10 Licence Suspensions

This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. The council must suspend premises licences and club premises certificates on the non-payment of annual fees.

23.11 The regulations state that the premises licence holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.

23.12 A single request for payment will be sent and the licensing Authority will then take measures to suspend the licence if payment is not received within 28 days.

23.13 Income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment or licence surrendered

24 Responsibility of Licence Holders and Designated Premises Supervisors

24.1 When licence holders or designated premises supervisors move, leave a premise or dispose of their premises they remain responsible in law until they have informed the licensing authority and arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority.

25 “No Traveller” and similar signs

25.1 When its discretion is engaged and a relevant representation is made relating to the exclusion or discouragement of any minority adult group the Licensing Authority will add a condition which forbids such as practice.

25.2 The Licensing Authority is especially concerned that such practices adversely affect social cohesion and are likely to hinder the promotion of the licensing objective relating to law and order.

26 Promotion of Racial Equality

26.1 Legislation requires the local authority to have due regard to the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority expects all licence applications to be consistent with this duty.

26.2 The Council as an organisation has a race equality scheme and monitoring licensing forms a part of that overall scheme.

27 Duplication

- 27.1 As far as possible the Licensing Authority will seek to avoid duplication with other regulatory regimes. The Licensing Authority will however impose tailored conditions where it judges it necessary to meet the licensing objectives.

28 Administration, Exercise and Delegation of Functions

- 28.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 28.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 28.3 The Table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee / Sub-Committees and Officers

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		Police objection including unspent convictions	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representations are made
Application for provisional statement		If a relevant representation made	If no relevant representations are made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representations are made
Application to vary designated premises supervisor		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection	All other cases
Application for interim authorities		If police objection	All other cases
Application to review premises licence / club premises certificate		All cases	

Decision on whether a complaint is irrelevant, frivolous, vexatious etc;			All cases
Decision to object when local authority is consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Decision on whether a minor variation application is valid, the need to go out to consultation and determination.			All cases
Determination of minor variation application			All cases
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees			All cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All cases
Power to impose existing conditions on a premises licence, club premises certificate and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003.			All cases
Power to make representations as responsible authority			All cases

28.4 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. These decisions cannot be reversed.

- 28.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 28.6 The officers to exercise the discretion are officers who are responsible for the Licensing function, who are given the appropriate delegated authority.
- 28.7 Application forms, fees, and details regarding each type of application, including the minor variations process can be obtained from the Councils website or by contacting the Licensing Team on 0207 364 5008 or licensing@towerhamlets.gov.uk.
- 28.8 The Licensing Authority encourages informal discussion before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals.

Appendix 1:

List of Responsible Authorities

There are a number of “Responsible Authorities”. These have been designated by the Government. Any variation application should be discussed with the relevant authorities first. All new and variation applications have to be sent to the responsible authority.

If you are not sure you will need to check which organisation is responsible for health and safety before you send off your forms.

- (a) **The Chief Officer of Police** for any Police area in which the premises are situated

Metropolitan Police Service
Licensing Unit
Limehouse Police Station
27 West India Dock Road E14 8EZ Tel: 020 275 4911/ 4950

- (b) **The Fire Authority** for any in which the premises are situated –

Fire Safety Regulation

NE 2 Area

London Fire Brigade

169 Union Street

London

SE1 0LL

Tel: 020 8555 1200

- (c) The enforcing Authority within the meaning given by Section 18 of the Health and Safety at work etc. Act 1974 and the local Weights and Measures Authority (within the meaning for section 69 of the Weights and Measures Act 1985) for any area in which the premises are situated –

i.) Health and Safety

London Borough of Tower Hamlets
Consumer and Business Regulations
Mulberry Place
PO Box 55739
5 Clove Crescent
London E14 1BY

Tel: 020 7364 5008

OR

ii.) Health and Safety Executive
Field Operations Division
4th Floor, North Wing,
Rose Court, 2 Southwark Bridge
London SE1 9HS

Tel: 020 7556 2100

OR

iii.) Maritime Coastguard Agency
Marine Office
Central Court
1B Knoll Rise
Orpington, Kent
BR6 0JA

Tel: 0168 9890400

AND

iv.) Local Weights and Measures Authority
Trading Standards
Consumer and Business Regulations
Mulberry Place
5 Clove Crescent
London E14 1BY

Tel: 020 7364 5008

***Each licensee should know which Authority is responsible for their Health and Safety – a copy of the application should be sent to the relevant Authority.**

- (d) The local **Planning Authority** within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated –

Directorate of Development and Renewal
Development Control
Mulberry Place
5 Clove Crescent
London E14 1BY

Tel: 020 7364 5009

- (e) The local Authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of **Pollution** of the environment or of harm to human health –

London Borough of Tower Hamlets

Environmental Protection

Mulberry Place
5 Clove Crescent
London E14 1BY

Tel: 020 7364 5007

- (f) A body which:
- i.) Represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the **protection of children** from harm; and
 - ii.) Is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters

Jane Cooke, Group Manager, **Child Protection**

CPRS Unit

2nd Floor

Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel: 020 7364 3496

Public Health

Dr Somen Banerjee

Interim Director of Public Health Tower Hamlets

4th floor Mulberry Place

5 Clove Crescent

London E14 2BG

Tel 0207 364 7014

This list can also be found at:

www.towerhamlets.gov.uk/data/business/data/regulations/data/licensing-act-2003

Appendix 2

Mandatory Conditions

The Policing and Crime Act 2009 allowed the Government to impose mandatory conditions with regard to the responsible retailing of alcohol. These conditions must be intended to support and actively promote the licensing objectives. The aim of the mandatory conditions is to ensure that those businesses, both small and large, who are selling alcohol irresponsibly, act more responsibly to help tackle alcohol-related crime and disorder.

The mandatory licensing conditions apply to all alcohol retailers. They refer to irresponsible drink promotions, banning the dispensing of alcohol directly into the mouth, provision of free tap water for customers, ensuring that an age verification policy is in place, and ensuring that smaller measures are made available to customers.

From 6th April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

In addition From 10th October 2010:

- 5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 6. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Appendix 3:

List of Government Pool Conditions from the S.186 Guidance of the Licensing Act 2003

Conditions relating to the prevention of crime and Disorder

It should be noted in particular that it is unlawful under the 2003 Act to:-

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported.
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a) A requirement that the text/pager equipment is kept in working order at all times;
- b) A requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- c) A requirement that any police instructions/directions are complied with whenever given; and a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- a) preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- b) keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- c) searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- d) maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety (see Appendix E).

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- A. given to customers on the premises whether at the bar or by staff service away from the bar;
- B. no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- A. bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form can cause very serious injuries.

Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary.

For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Appendix E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise positioning of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises, that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles).

This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the "vertical" consumption of alcohol (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a) a prescribed capacity;
- b) an appropriate ratio of tables and chairs to customers based on the capacity;
- and
- c) the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Annex E

Conditions relating to public safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 011 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

People with Disabilities

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- A. When people with disabilities are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- B. People with disabilities on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

all exits doors can be easily opened without the use of a key, card, code or similar means;

- A. doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- B. any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- C. all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- D. fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- E. the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame retardant condition;
- any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing Authority/fire authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the Safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

First aid

In certain premises where existing legislation does not provide adequately for the Safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises;
- If necessary, at least one suitably trained first-aider shall be on duty when the Public are present; and if more than one suitably trained first- that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
- emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days' notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 meters of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

Annex F

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out below:
- Between 1-100 members of the audience present on a floor – 1 attendant must be present on that floor.
 - Between 101-250 members of the audience present on a floor – 2 attendants must be present on that floor.
 - Between 251 - 500 members of the audience present on a floor – 3 attendants must be present on that floor.
 - Between 501-750 members of the audience present on a floor – 4 attendants must be present on that floor.
 - Between 75-1000 members of the audience present on a floor – 5 attendants must be present on that floor.

And one additional attendant for each additional 250 persons (or part thereof)

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

- (e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- (f) copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out below:

- Between 1-250 members of the audience present on a floor – 2 attendants must be present on that floor.
- And one additional attendant for each additional 250 members of the audience present (or part thereof)
- Where there are more than 150 members of an audience in any auditorium or on any floor at least one attendant shall be present in any auditorium or on any floor.

Attendants – premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out below:
- Between 1 - 500 members of the audience present on the premises – 2 attendants must be present on that floor and 1 other staff member must be on the premises who will be available to assist in the event of an emergency
 - Between 501 - 1000 members of the audience present on the premises – 3 attendants must be present on that floor and 2 other staff member must be on the premises who will be available to assist in the event of an emergency
 - Between 1501 or more members of the audience present on the premises – 5, plus one for every 500 (or part thereof) persons (or part thereof) persons over 2000 on the premises, attendants must be present on that floor and 5 plus one for every 500 over 2000 on the premises other staff member must be on the premises who will be available to assist in the event of an emergency
- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) member of staff whose usual location when on duty is more than 60 meters from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Annex G

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises.

These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution in certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Annex H

Conditions relating to the protection of children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should, explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
family entertainment; or
non-alcohol events for young age groups, such as under 18's dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
during "Happy Hours" or on drinks promotion nights; or during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – Cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U - Universal. Suitable for audiences aged four years and over
 - PG - Parental Guidance. Some scenes may be unsuitable for young children
 - 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 15 - Passed only for viewing by persons aged 15 years and over
 - 18 - Passed only for viewing by persons aged 18 years and over
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 (as amended) set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements.

However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report.

If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Annex I

Statutory qualifying conditions for clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

62 The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not —
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

63 Determining whether a club is established and conducted in good faith

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are —
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which —
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;

- (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

64 The additional conditions for the supply of alcohol

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members —
- (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from
- (a) any benefit accruing to the club as a whole, or
 - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

65 Industrial and provident societies, friendly societies Etc.

- (1) Subsection (2) applies in relation to any club which is —
 - (a) registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act),
or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that —
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.
- (3) References in this Act, other than this section, to —
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly —
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club,and (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions —
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.
- (6) In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

Annex J

The Safer Clubbing Checklist for club owners, managers and event promoters

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

Key activities of club owners, managers and event promoters include:

- Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue
- Developing a constructive working relationship with licensing authority officers and police officers with licensing responsibilities
- Developing a venue drug policy in consultation with licensing and police officers
- Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully
- Employing door supervisors from a reputable company and with SIA Accreditation
- Employing experienced and fully trained first aiders
- Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others (a Mandatory Condition)
- Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers
- Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team
- Sharing intelligence on drug use and drug dealing with police officers and other local venues
- Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues
- Considering the provision of safe transport home
- Ensuring that all staff are aware of the law and the responsibilities of the club to work within it

Annex K

Key actions for licensing authorities in connection with Safer Clubbing

In connection with Safer Clubbing, the role of the licensing authority officers is to take the lead in ensuring that dance venues are designed and run in a way which maximises the safety of customers, performers and staff. With the police, they are responsible for monitoring and enforcing compliance with regulations.

Key activities of licensing authority officers include:

- Providing clear information on how to apply for a premises licence
- Providing induction training to councillors serving on licensing committees
- Advising venue owners on how to establish and maintain a safe environment
- Advising venue owners, in partnership with police officers and police licensing officers, on developing a venue drug policy
- Ensuring that sufficient first aiders are always present and are trained to a high Standard
- Informing clubbers of their rights
- Liaising with police licensing and other officers to ensure good communication about potentially dangerous venues
- Encouraging venues to use outreach services
- Encouraging venues to provide safe transport home
- Surveying clubbers on their views of the safety aspects of different local venues
- Monitoring the operation of clubs at times of peak occupancy
- Ensuring that door supervisors are from a reputable company and with SIA Accreditation
- Ensuring that door supervisors are properly trained

Appendix 4:

Licensing Contact Details

A printed version of the policy can be obtained from:

**The Licensing Section,
Mulberry Place (AH),
PO Box 55739,
5 Clove Crescent,
London E14 1BY**

Telephone: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

It is also available for inspection at the above office.

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Appendix Six

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 6th 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;

Licensed Premises in Tower Hamlets	
Premises Category	Number of Premises
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
Total	909

- 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.

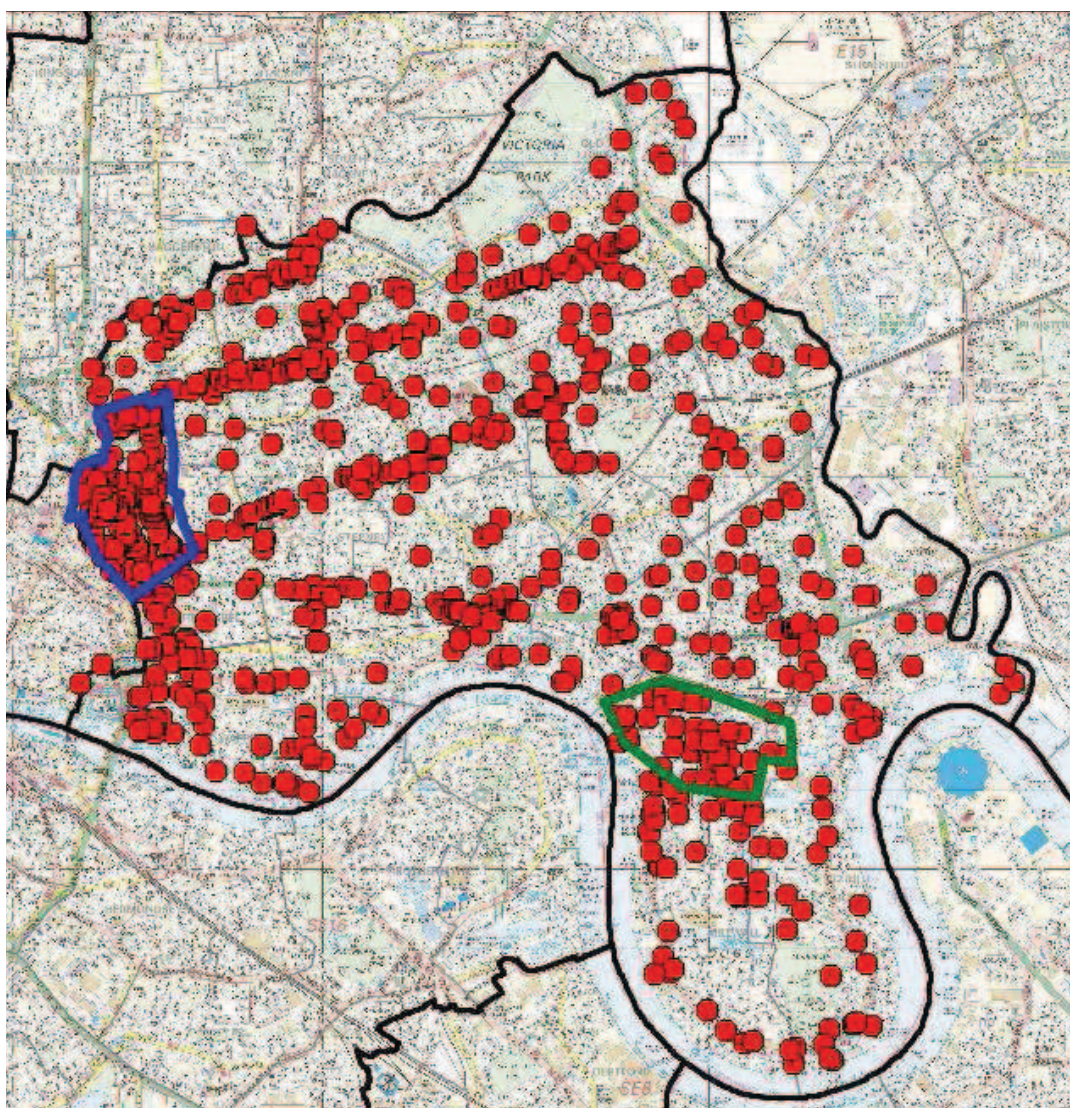
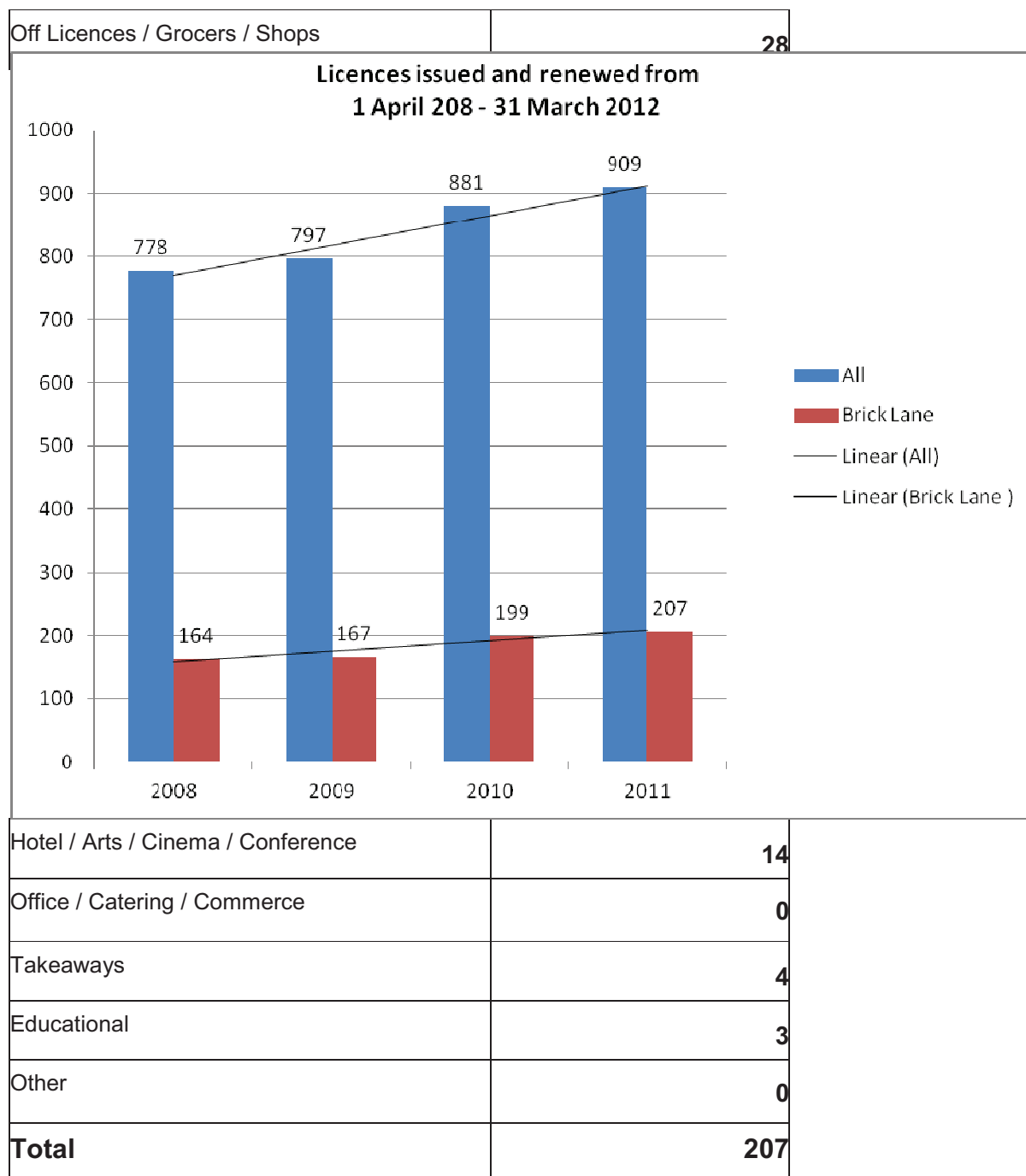


Figure 1

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

Licensed Premises in the Brick Lane Saturation Area	
Premises Category	Number of Premises
Church / Community Organisations	4
Members / Social / Sports Clubs	1
Pub / Night Club / Wine Bar	31
Restaurant / Café	117



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.

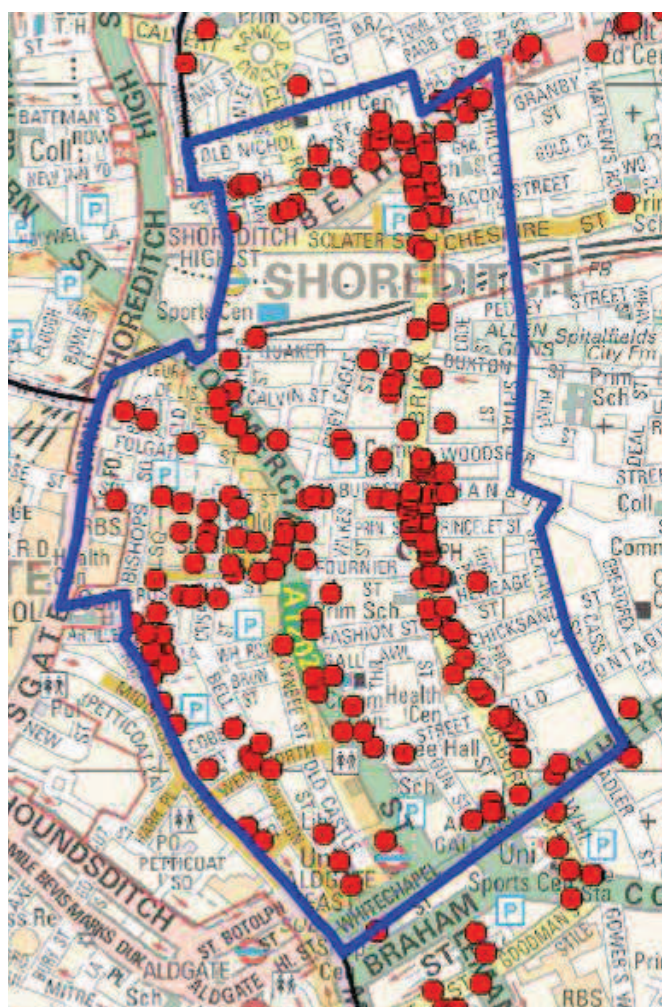


Figure 3

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.

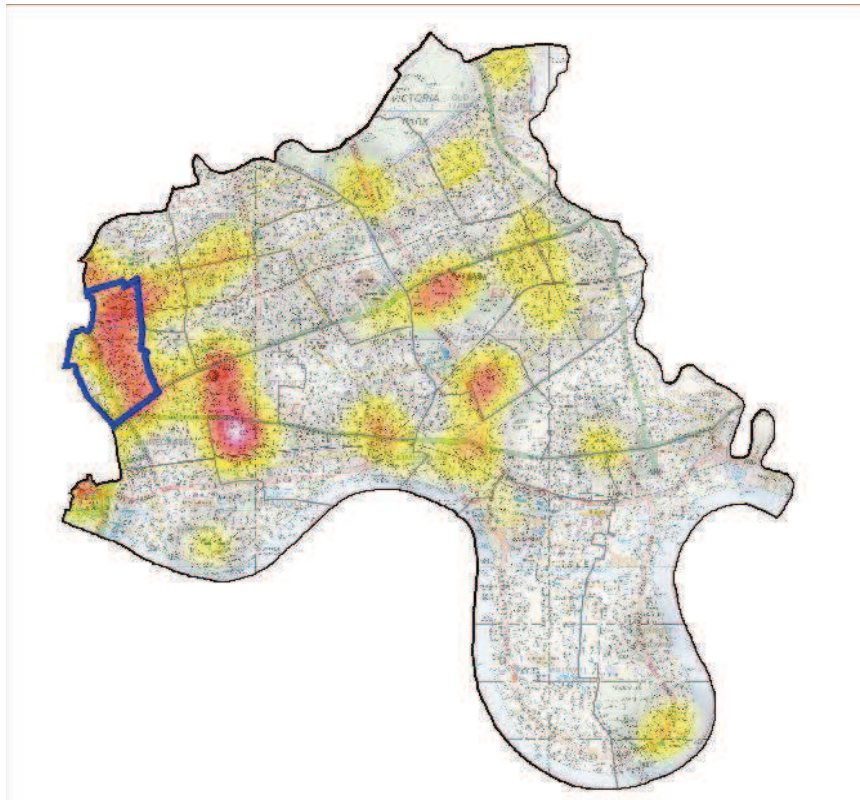


Figure 4

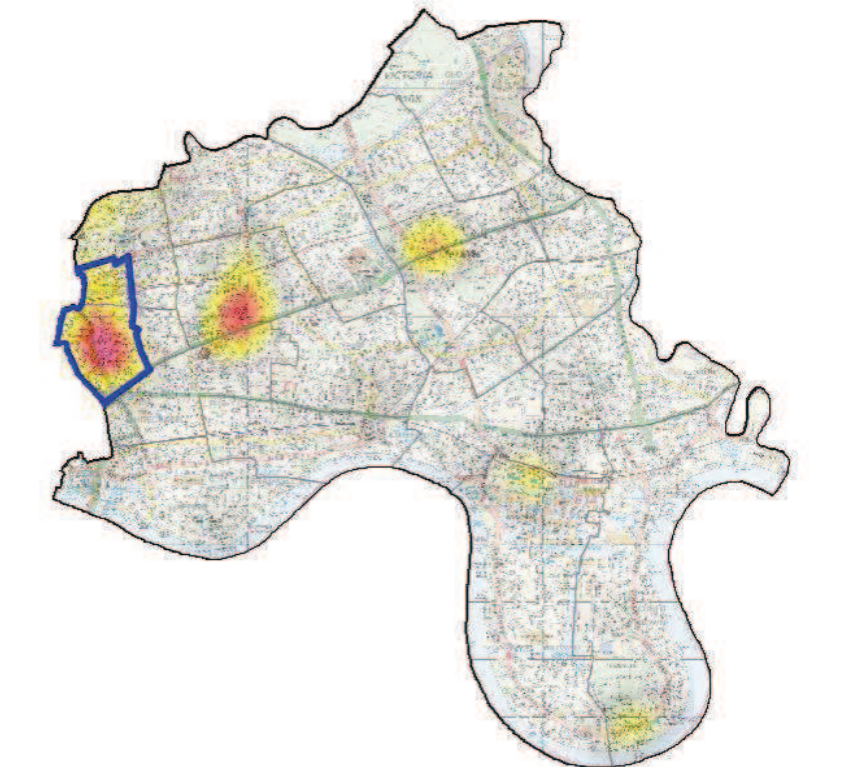


Figure 5

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.

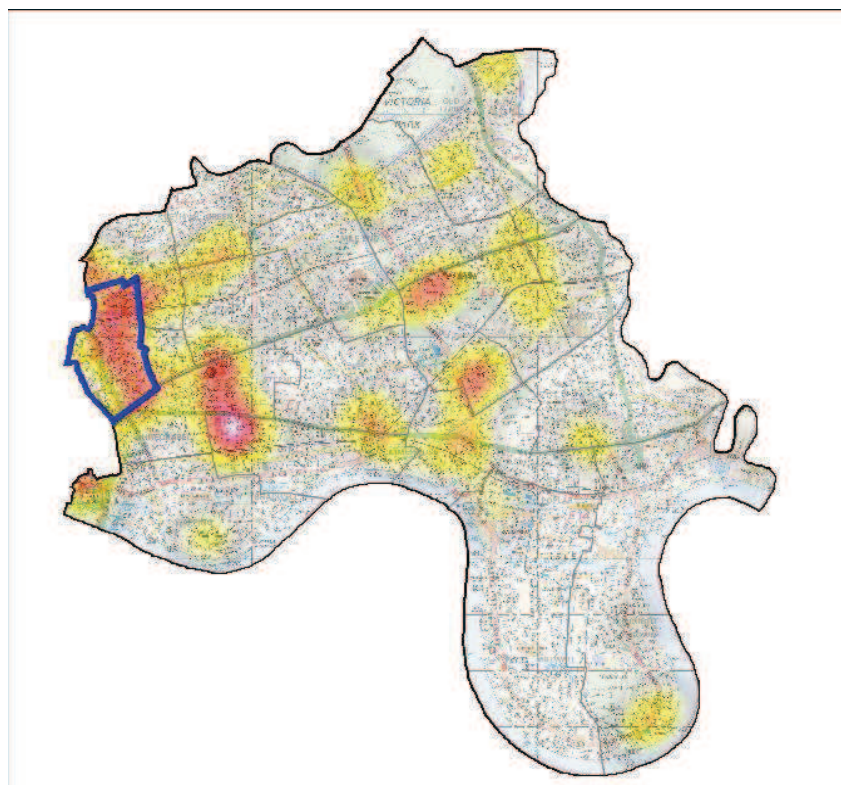


Figure 6

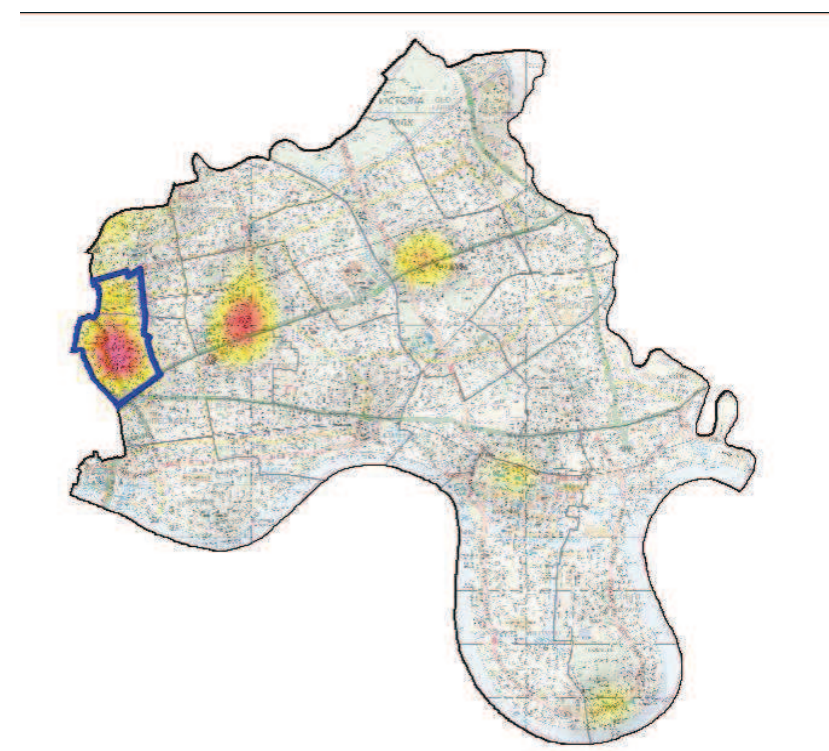


Figure 7

- 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 a steady year on year increase from 2008

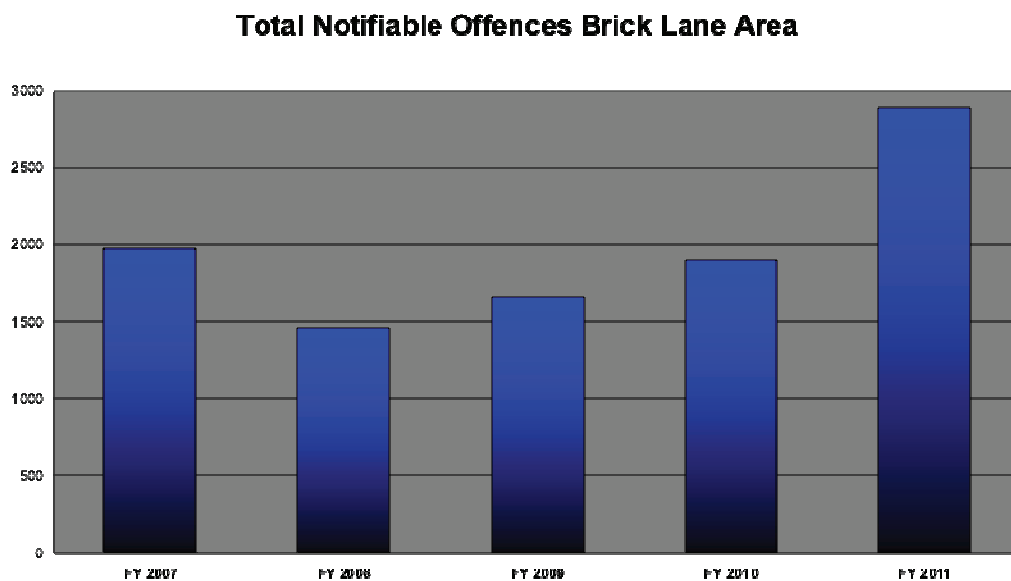


Figure 9

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

Criminal Damage Offences Brick Lane Area

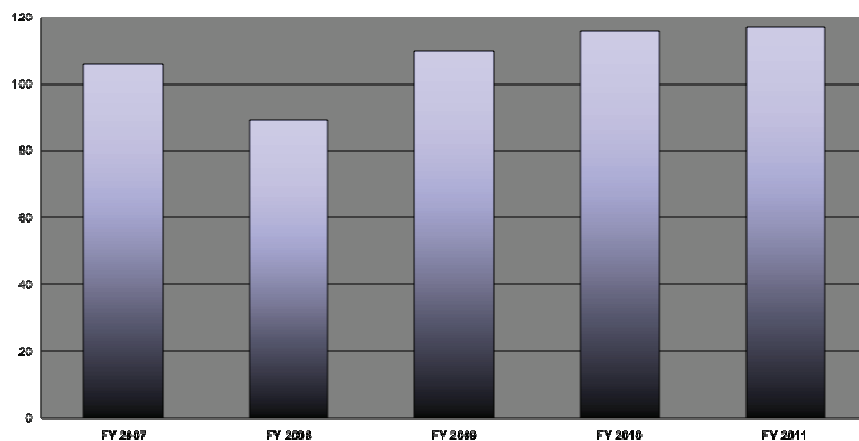


Figure 10

Drugs Offences Brick Lane Area

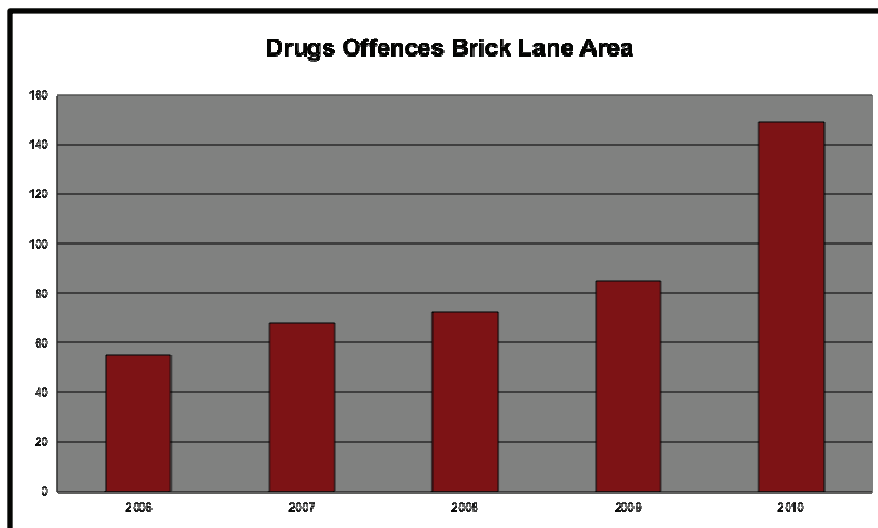


Figure 11

Robbery Offences Brick Lane Area

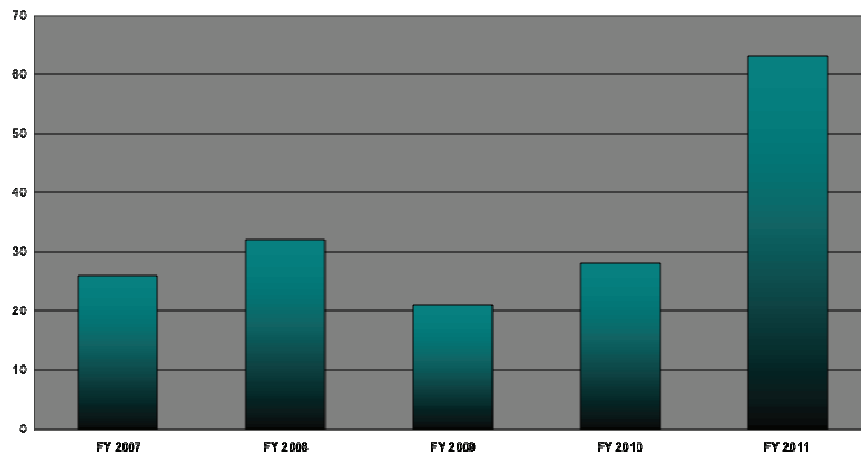


Figure 12

Sexual Offences Brick Lane Area

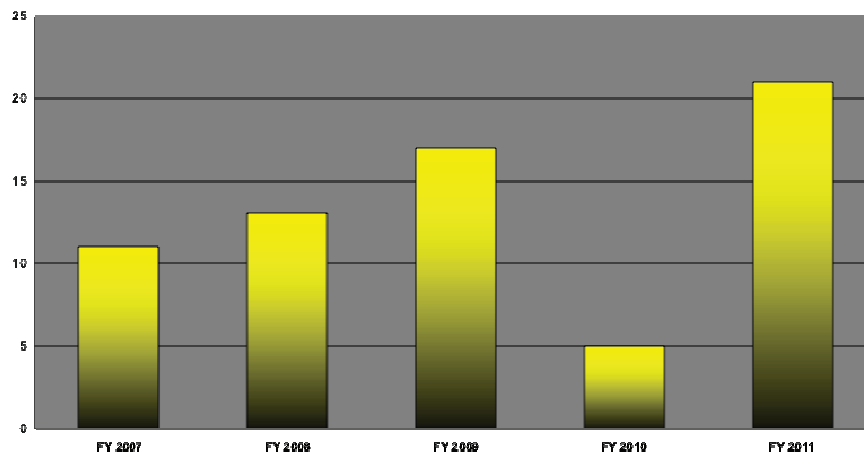


Figure 13

Violence Against the Person Offences Brick Lane Area

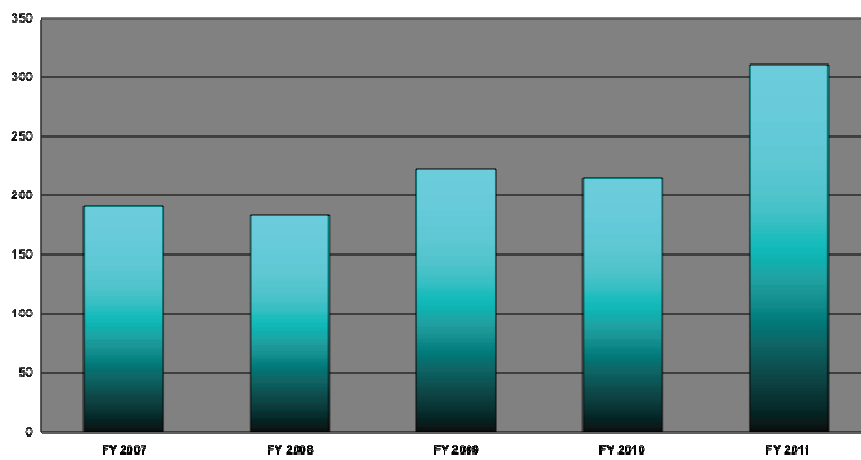


Figure 14

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

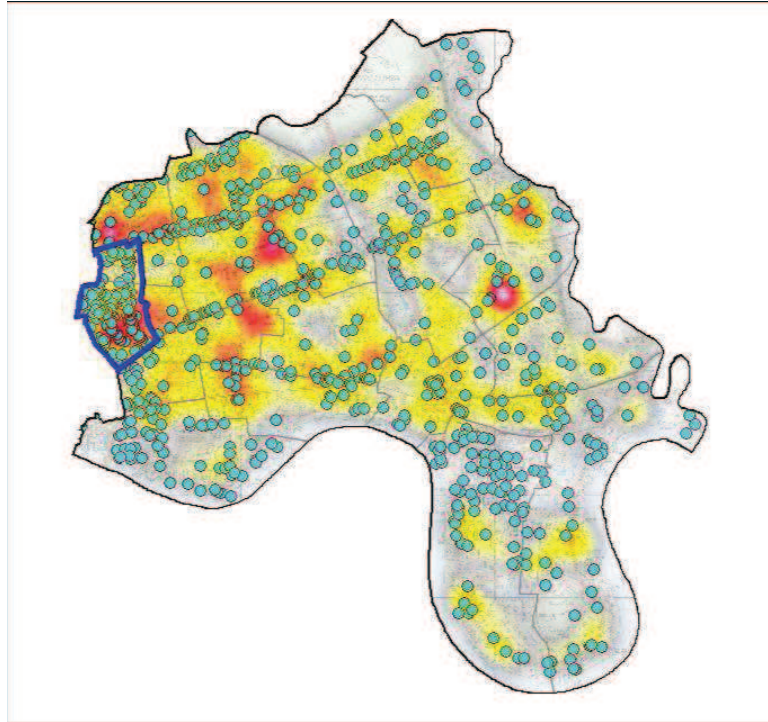


Figure 16

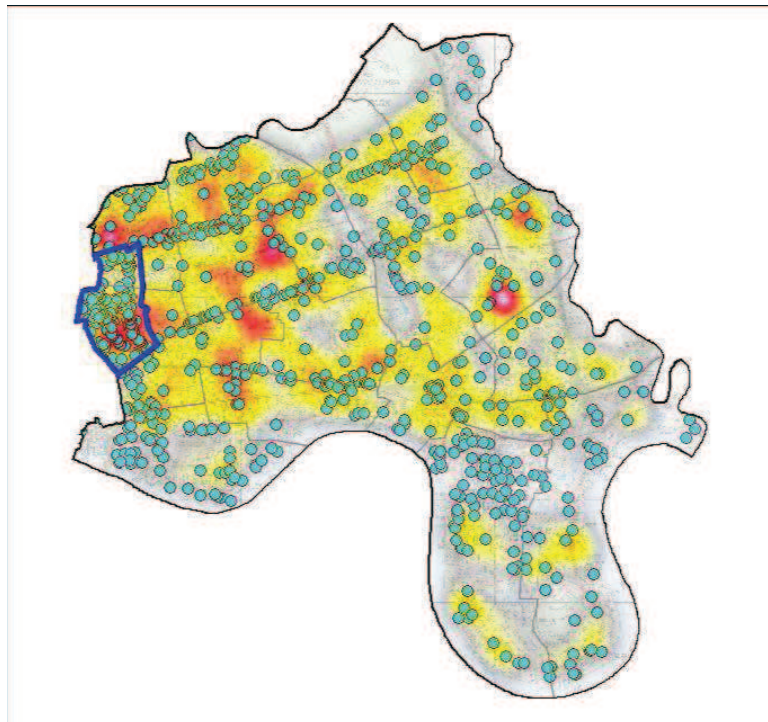


Figure 17

4. 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

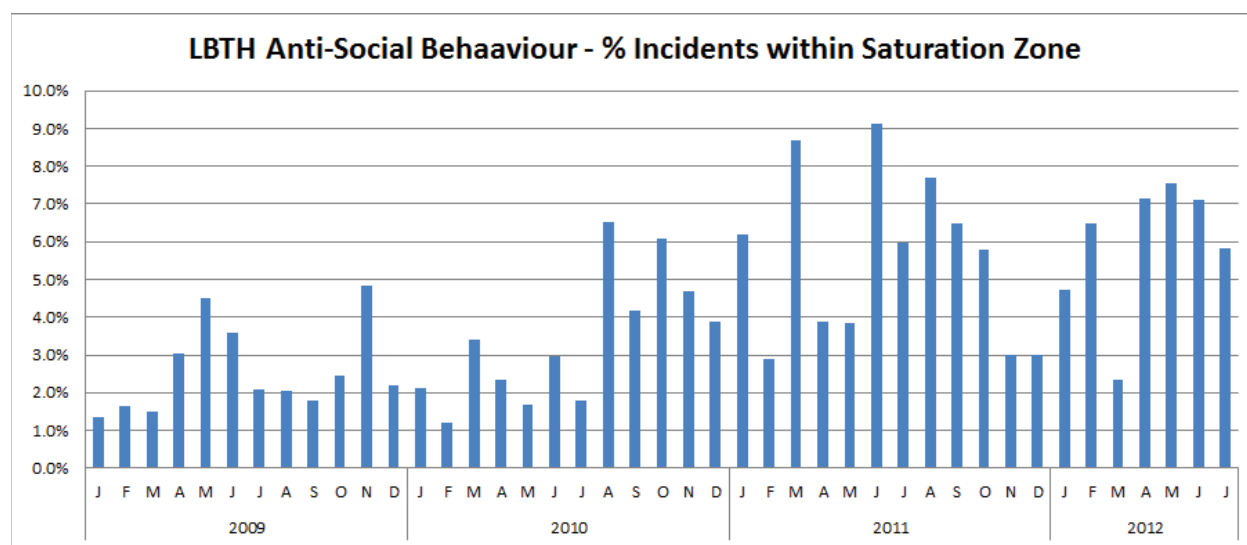


Figure 18

- 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;

- Alcohol Specific Male Hospital Admissions
- Alcohol Attributed male Hospital Admissions
- Admission Episodes for Alcohol Attributed Conditions
- Alcohol Related Recorded Crimes
- Alcohol Related Violent Crimes
- Alcohol Related Sexual Offences

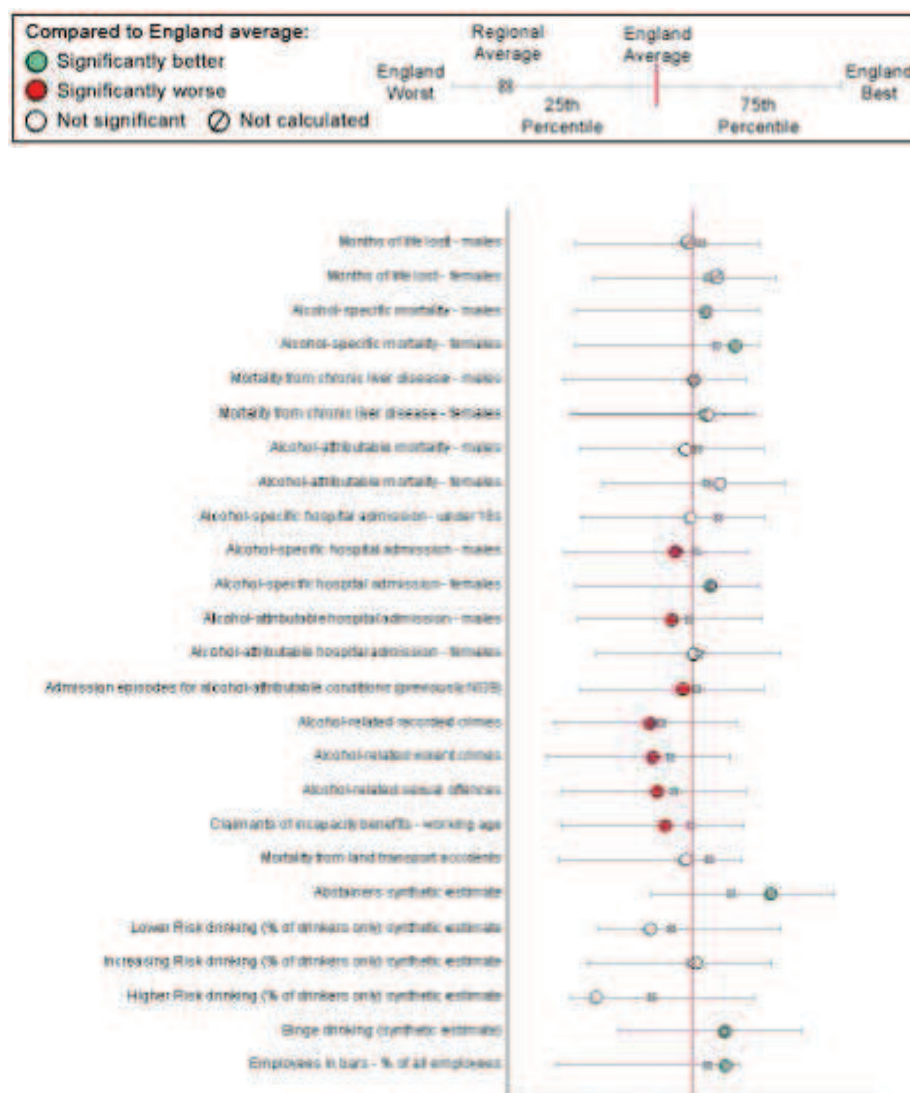


Figure 19

- 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.

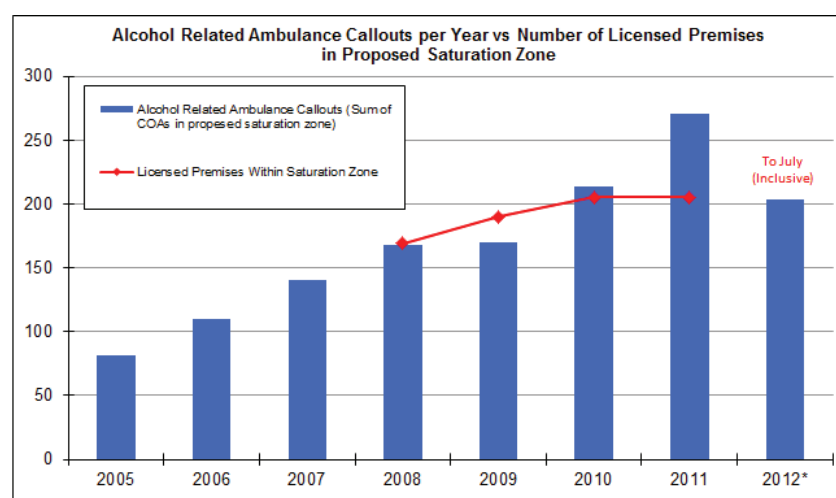


Figure 20

- 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

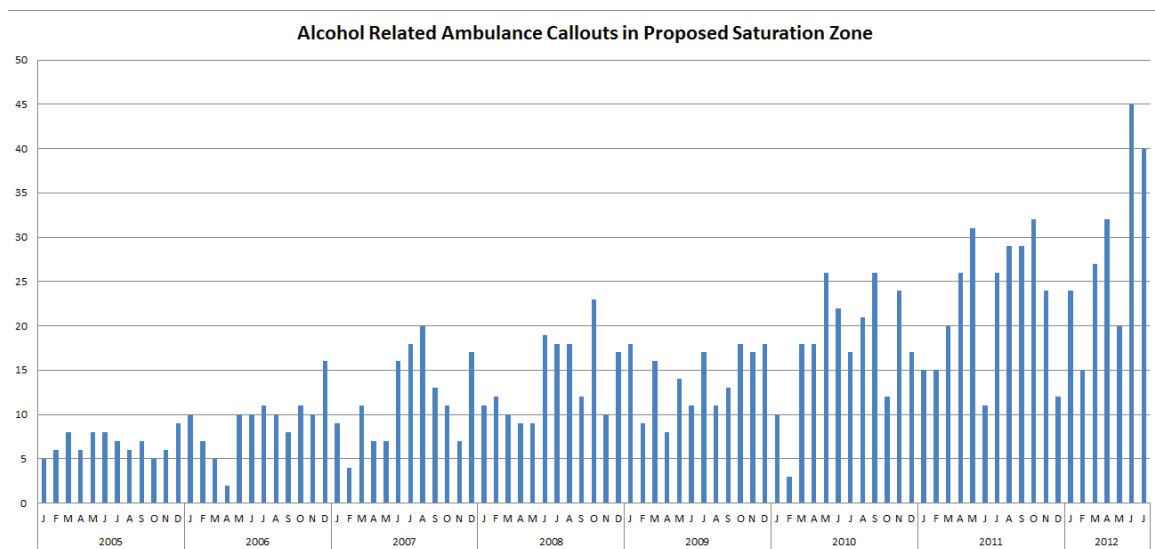


Figure 22

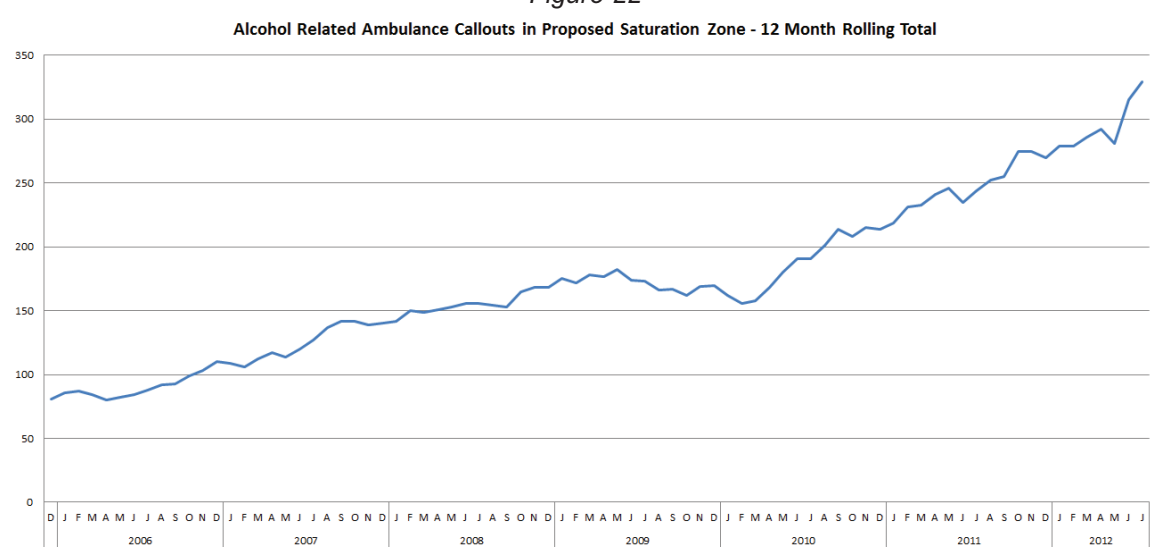


Figure 23

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

1. The proposed Cumulative Impact Area for Brick Lane is required because :-
 - a. 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
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.
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.
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

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 ClZ and any such quota based policy approach would, in any event, be likely to successful challenge.

PP.9. The ClZ 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.

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Appendix Seven

Saturation Consultation Results Summary

Consultation period: 21st December 2012 – 22nd March 2013

Responses

A total of 165 responses were received

Respondent	Number of responses	% of respondents
Licence holder	10	6%
Potential licence applicant	2	1.2%
Resident	112	67.8%
Visitor	25	15.2%
Other	16	9.7%

Percentage support for a Saturation Policy

A total of 156 responses were received for this question

Question: Do you support the establishment of a saturation policy/zone in the Brick Lane area?	Number of responses	% of total responses
Positive	127	81.4%
Negative	29	18.6%

Type of licence usage that should fall within the Saturation Zone

Within the proposed saturation zone – do you agree that there should be a presumption for the Council to refuse permission for further licences or varying licences for:

Question	Number of responses	Number of 'Yes'/percentage	Number of 'No'/percentage
----------	---------------------	----------------------------	---------------------------

Refusing permission for: The sale of alcohol for consumption within a premises e.g. restaurants, clubs	156	109 (69.9%)	47 (30.1%)
Refusing permission for: The sale of alcohol for consumption off the premises e.g. off licenses and some pubs	155	124 (80%)	31 (20%)
Refusing permission for: The sale of hot food after 11pm e.g. restaurants, takeaways	156	108 (69.2%)	48 (30.8%)

Summary of issues raised in the free text box

Issue raised	Resident	Other	Visitor	Licence holder
Want more enforcement in relation to noise nuisance, general anti-social behaviour and public urination	24	0	3	0
Responses that declared they did not want any further regulation	1	2	2	0
Responses that broadly supported the scheme	28	2	1	0
Responses that wanted the zone increased	2	0	0	0

Responses against the proposals	2	0	0	0
Responses that wanted the foot print of the zone reduced	0	1	0	1

Appendix Eight

Amendment to the Gambling Policy 2013

The Gambling Act, section 166, allows licensing authorities to resolve not to issue casino premises licences. The licensing authority has consulted with residents and businesses to seek their views before deciding whether to make such a resolution. As a result of the consultation the council has resolved not to issue casino premises licences.

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Appendix Nine
EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Statement of Licensing Policy Review and consideration of a No Casino Resolution
Directorate / Service	CLC, Safer Communities, Consumer and Business Regulation
Lead Officer	David Tolley
Signed Off By	

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	<p>This report submits proposed changes to the Statement of Licensing Policy. The report asks the decision-making body to agree the forward plan for adopting the Statement and to determine whether some comments from groups and forums need to be included in the Statement.</p> <p>The Licensing Act 2003 requires all local authorities to review their existing Statement of Licensing Policy and adopt a new policy by the end of 2013. As a Licensing Authority, the Council must review its Licensing Policy every three years and publish the outcome of that review. The Council's current Statement of Licensing Policy was adopted by the full Council in December 2010.</p>

			<p>The policy aims to define how the responsibilities under the Act are going to be exercised and administered. A statutory consultation process took place between 5 April 2013 and 10 May 2013.</p>
	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	<p>The key proposed changes, which have arisen from the consultation, to the Statement include:</p> <ul style="list-style-type: none"> • Health considerations of Licensing • Framework times • Increase of the consultation area. <p>These changes have been considered whether they need to be included in the Statement of the Licensing Policy. Below is the examination of these provisions' impact on various communities.</p> <p><u>Health considerations</u></p> <p>There is evidence on the direct link between alcohol price, consumption and harms (e.g. violence and diseases including liver diseases and cancer). As alcohol becomes more affordable, consumption increases. As consumption increases, harm increases. This link contributes to the case for using minimum unit pricing as a strategy intended to reduce consumption and the burden of alcohol related harm. The following conditions have been recommended by the Public Health team, a new responsible authority, and proposed as possible changes:</p> <ul style="list-style-type: none"> • For off licences, no promotional sales of alcoholic drinks including 'two for the price of one', 'three for the price of two', 'buy-one-get-one-free' & 'buy six get x% off' offers. • No alcoholic drinks at a price lower than £0.50 per unit

		<p>(a unit of alcohol: 10ml by volume or 8g by weight, of pure alcohol (ethanol)).</p> <p>These conditions cannot be applied to current licences; therefore, new premises could be put at a disadvantage. They could be considered as 'pool conditions' which on the merits of each application could be used to standardise wording during adjudication of the Licensing Sub Committee.</p> <p>These conditions applied to new premises may reduce some alcohol consumption and harm caused by the consumption. However, the scale of the impact on the public health may be limited. Customers who seek cheaper alcohol may simply go to shops that have current licenses.</p> <p>These conditions may limit new premises' sales options and cause detrimental impact on their sales. A study may be required to establish the impact of these conditions on the shop sales.</p> <p><u>Framework times</u></p> <p>Two of the groups have suggested a later start to the framework hour (e.g. current start time 0600hrs; proposed 1000hrs On-licences, Mon-Sat). The framework hours must be justified why such a change is appropriate. However, the report states that the current responses do not justify the change, although they compare the hours to that of Westminster City Council.</p> <p>The later start of on-licences and off-licences may limit the sales opportunities of the licensed premises. However, detailed research may be required to establish the impact on the shops' sales, if this option is adopted.</p> <p><u>Increase of the consultation area</u></p>
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			<p>The expansion of a consultation area to greater than 40 meters from the applicant premises will provide more residents, regardless of their background, with opportunities to participate in consultation processes. However, a study may be required to see if more residents participate in a consultation process after the expansion of a consultation area.</p> <p><u>Other</u></p> <p>A 'No Casino' resolution, which was covered in the exercise, will form part of the Gambling Policy. The Licensing Policy does not deal with Sexual Entertainment Venues.</p>
c	<p>Is there a narrative in the proposal where NO impact has been identified?</p> <p>Please note – if a Full EA is not to be undertaken based on the screen or the fact that a proposal has not been 'significantly' amended, a narrative needs to be included in the proposal to explain the reasons why and to evidence due regard</p>	Yes	<p>The report asks the decision-making body to agree the forward plan for adopting the Statement and to determine whether some comments from groups and forums need to be included in the Statement. When the Council determines whether the comments are included in the Statement, the equalities impact can be considered.</p> <p>The policy aims to promote the following licensing objectives and it is likely that the majority of impacts resulting from this policy will be positive on the safety and quality of life of residents, including the protected groups.</p> <ul style="list-style-type: none"> • the prevention of crime and disorder • public safety • the prevention of public nuisance • the protection of children from harm. <p>It is planned that a new policy will be adopted by the full Council in September 2013.</p>
2	Monitoring / Collecting Evidence / Data and Consultation		
a	<p>Is there reliable qualitative and quantitative data to support claims made about impacts?</p>	Yes	<p>As a Licensing Authority, the Council reviews the licensing policy every three years and publish the outcome. The consultation was held between 5 April 2013 and 10 May 2013. Comments arising from the consultation have been</p>

			incorporated in the proposal.
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	The extensive consultation process was held between 5 April 2013 and 10 May 2013 (Appendix 1 shows a list of groups consulted). Comments arising from the consultation have been incorporated in the proposal.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	See above.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	See above.
	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	
b	Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?	Yes	The objectives of the policy include public safety including women and vulnerable customers and the protection of children from harm. These contribute to the equalities and the OTH objectives.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	NA	
b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	NA	
c	Are the outcomes clear?	NA	
d	Have alternative options been explored	NA	
6	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The policy has been reviewed every three years. It is proposed that the policy is to be reviewed every five years.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	NA	

7		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	NA
8	Sign Off and Publication	
a	Has the Lead Officer signed off the EA? Please note – completed and signed off EA and Quality Assurance checklists to be sent to the One Tower Hamlets team	Yes

Any other comments		
Signature		Date

Please keep this document for your records and forward an electronic version to the One Tower Hamlets Team

Equality Analysis (EA)

Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose:

(Please note – for the purpose of this doc, ‘proposal’ refers to a policy, function, strategy or project)

Cumulative Impact Policy – Brick Lane

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). In partnership with the Police and the Council it is proposed that the Council adopt a Cumulative Impact Policy (saturation zone) for the Brick Lane area on the basis of the high levels of crime, anti-social behaviour and alcohol related harm.

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.

Through controlling the number of licensed premises in the area in combination with other services and activities by the Council and partners including the Police, it is expected to improve health, safety and quality of life of the residents and visitors in the area.

Who is expected to benefit from the proposal?

The power granted by the policy will enable the Police and the Council to further control and manage the problems, including crime and disorder, public safety and public nuisance, currently occurring in the area.

Residents and visitors in and around the Zone will be benefited by a safer environment facilitated by the policy and continuing community safety activities by partners including the Police and the Council. It is also expected that the safer environment will contribute to the health and quality of life of the residents and visitors.

Existing businesses in the Zone will continue to operate as normal even after the introduction of a Cumulative Impact Zone. They will also benefit from a safer environment facilitated by the policy and other community safety activities.

Service area:
Safer Communities

Team name:
Consumer and Business Regulations Service

Service manager:
David Tolley

Name and role of the officer completing the EA:
David Tolley

Section 2 – Evidence (Consideration of Data and Information)

What initial evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

The following data and information have been consulted for the development of the policy:

- Licensed premises in the Borough and the proposed Cumulative Impact Zone around Brick Lane (April 2008 – 31 March 2012)
- Street Drinking complaints to the Police (2010/11; 2011/12) – the Borough wide and in the Zone
- Violence Against the Person offences in wards (2011/12)
- Incidents of notifiable offences, criminal damage, drug offences, robbery, sexual offences and violence against the person in the proposed Zone (2007-2011)
- Anti-Social Behaviour complaints in the proposed Zone to the Police (2010/11; 2011/12)
- Anti-Social Behaviour Hotline complaints in the proposed Zone to the LBTH ASB Hotline (Jan 2008-July 2012)
- Tower Hamlets' measure for each indicator for Alcohol Related Harm, compared with the regional and English averages
- Alcohol related ambulance callouts within the proposed Zone and the borough total (2005-2012)
- The number of Cumulative Impact Areas in London boroughs
- Brick Lane profile

The analysis of the data shows:

- There are over 207 Licensed Premises in the proposed Zone (17.6% of all premises within Tower Hamlets).
- The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime)
- It is responsible for 8% of all crime within Tower Hamlets.
- There has been a steady increase in notifiable offences
- There has been a steady increase in criminal damage and drug offences
- It is responsible for the highest level of complaints about street drinking
- 22% of all police calls to Licensed premises are in the Brick Lane Area
- There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area.
- LBTH has the second highest level of ASB in London
- The highest rates of ASB in the Borough are in the Brick Lane Area
- 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
- LBTH has significantly worse alcohol related harm indicators compared with regional and national averages
- There is a steady increase in ambulance call outs in the Brick Lane Area
- 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.
- Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.

- 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.

The consultation was undertaken between 21 December 2012 and 22 March 2013. Licence holders, residents groups, responsible authorities and interested networks/forum were consulted and 165 responses were received. The data collected in the consultation include the following data of the respondents:

- Gender (Male 81; Female 52; Total responses 133)
- Age (20-25: 7; 26-34: 31; 35-43: 31; 44-52: 36; 53-59: 15; 60-64: 4; 65+: 8; total responses 132)
- Ethnicity (British 90; Other white 15; Bangladeshi 9; Irish 7; Others 6; Mixed heritage 4; Pakistani 1; Black or Black British 1; Other black background 1; Total response 134)
- Disability (Yes 7; No 122; Total response 129)
- Sexual orientation (Heterosexual 84; Gay/lesbian 19; Bisexual 2; Total response 105)
- Religion (None 60; Christian 36; Muslim 9; Others 7; Buddhist 4; Jewish 2; Total response 118)

The analysis of the consultation responses and the respondents' equalities profile show that significantly more people support for the policy across groups. Below are gender and age groups' responses to a question 'Do you support the establishment of a saturation policy/zone in the Brick Lane area?'

- Total: Yes 127 (81%); No 29 (19%)

Gender

- Male: Yes 59 (73%); No 22 (27%)
- Female: Yes 48 (92%); No 4 (8%)

Age

- 25-25: Yes 5; No 2
- 26-34: Yes 20; No 7
- 35-43: Yes 27; No 3
- 44-52: Yes 28; No 4
- 53-59: Yes 12; No 3
- 60-64: Yes 3; No 1
- 65+: Yes 6; No 2.

Also, a 220 signed petition was received from SPIRE, a local residents group, in favour of the Council adopting a Cumulative Impact Policy for the Brick Lane area.

Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will normally be refused, hence affected by the proposal. Although the service has monitored and will continue monitoring the applicants' protected characteristics, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough.

The Development and Renewal (D&R) directorate have corporate lead responsibility for Business related data capture and are currently reviewing the technical implications in developing an equalities strand of their business data base.

Section 3 – Assessing the Impacts on the 9 Groups

How will what you're proposal impact upon the nine Protected Characteristics?

For the nine protected characteristics detailed in the table below please consider:-

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**

-Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

- **What qualitative or quantitative data do we have?**

-List all examples of quantitative and qualitative data available

(include information where appropriate from other directorates, Census 2001 etc)

-Data trends – how does current practice ensure equality

- **Equalities profile of staff?**

-Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

- **Barriers?**

-What are the potential or known barriers to participation for the different equality target groups? Eg, communication, access, locality etc

- **Recent consultation exercises carried out?**

-Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

-Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

-In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

Please Note -

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse What impact will the proposal have on specific groups of service users or staff?	Reason(s) <ul style="list-style-type: none">• Please add a narrative to justify your claims around impacts and,• Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making Please also how the proposal will promote the three One Tower Hamlets objectives? -Reducing inequalities -Ensuring strong community cohesion -Strengthening community leadership
Race	Positive Unknown	<ul style="list-style-type: none"> • As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. • Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Disability	Positive Unknown	<ul style="list-style-type: none"> • As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. • Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Gender	Positive Unknown	<ul style="list-style-type: none"> • As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. • Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.

Gender Reassignment	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Sexual Orientation	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Religion or Belief	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Age	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.

Marriage and Civil Partnerships.	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Pregnancy and Maternity	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.
Other Socioeconomic Carers	Positive Unknown	<ul style="list-style-type: none"> As the section above shows, it is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of this group. Future applicants for new premises licences or club premises certificates of variations that are likely to add to the existing cumulative impact will be affected by the proposal. However, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate lead responsibility for Business related data.

Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence of or view that suggests that different equality or other protected groups (inc' staff) could have a disproportionately high/low take up of the new proposal?

Yes?

No? ☒ X

If yes, please detail below how evidence influenced and formed the proposal? For example, why parts of the proposal were added/removed?

(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. AN EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)

Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes? ☒ X

No?

How will the monitoring systems further assess the impact on the equality target groups?

The policy implementation will be regularly reviewed.

Does the policy/function comply with equalities legislation?
(Please consider the [OTH objectives](#) and [Public Sector Equality Duty](#) criteria)

Yes? X No?

If there are gaps in information or areas for further improvement, please list them below:

--

How will the results of this Equality Analysis feed into the performance planning process?

This Equality Analysis and the consultation analysis ensure that this policy will contribute to the residents' and visitors' well-being.
--

Section 6 - Action Plan

*As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.*

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Example				
1. Better collection of feedback, consultation and data sources	1. Create and use feedback forms. Consult other providers and experts	1. Forms ready for January 2010 Start consultations Jan 2010	1.NR & PB	
2. Non-discriminatory behaviour	2. Regular awareness at staff meetings. Train staff in specialist courses	2. Raise awareness at one staff meeting a month. At least 2 specialist courses to be run per year for staff.	2. NR	

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress

Section 7 – Sign Off and Publication

Name: (signed off by)	
Position:	
Date signed off: (approved)	

Section 8 Appendix – FOR OFFICE USE ONLY

This section to be completed by the One Tower Hamlets team

Policy Hyperlink :

Equality Strand	Evidence
Race	
Disability	
Gender	
Gender Reassignment	
Sexual Orientation	
Religion or Belief	
Age	
Marriage and Civil Partnerships.	
Pregnancy and Maternity	
Other Socio-economic Carers	

Link to original EQIA	Link to original EQIA
EQIAID (Team/Service/Year)	

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Cumulative Impact Policy – Brick Lane
Directorate / Service	CLC, Safer Communities, Consumer and Business Regulations Service
Lead Officer	David Tolley
Signed Off By	

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	This report presents the findings of the recent consultation that has been conducted, the context, evidence and justification for adoption and explains the process required for implementation. 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). In partnership with the Police and the Council it is proposed that the Council adopt a

			<p>Cumulative Impact Policy (saturation zone) for the Brick Lane area on the basis of the high levels of crime, anti-social behaviour and alcohol related harm.</p> <p>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.</p>
b	<p>Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?</p>	Yes	<p>If a saturation policy is introduced, the policy will allow the Council to reject certain licence applications that will otherwise increase the cumulative effect of licensed premises in the Cumulative Impact Zone. The area’s economy is dynamic and the extent to which future licence applicants will fall in to any particular protected group is unknown. Information is available on the residential demographics of the area which has a high level of Bangladeshi residents. There has been increasing levels of friction between residents and businesses specific to the impacts of the late night economy on quality of life and strong local support for introduction of the new policy across the residential community.</p> <p>Residents and visitors in and around the Zone will be benefited by a safer environment facilitated by the policy and continuing community safety activities by partners including the Police and the Council.</p> <p>Existing businesses in the Zone will continue to operate as normal even after the introduction of a Cumulative Impact Zone. They will also benefit from a safer environment facilitated by the policy and other community safety activities.</p>

			<p>Once this policy is introduced, licence applications that would increase the cumulative effect of licensed premises in the Zone (e.g. on and off alcohol sales and late night openings of takeaways/restaurants) would be normally refused. Although the service has monitored and will continue monitoring the applicants' protected characteristics, the majority of the applicants are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough.</p> <p>The Development and Renewal (D&R) directorate have corporate lead responsibility for Business related data capture and are currently reviewing the technical implications in developing an equalities strand of their business data base.</p>
c	<p>Is there a narrative in the proposal where NO impact has been identified? Please note – if a Full EA is not to be undertaken based on the screen or the fact that a proposal has not been 'significantly' amended, a narrative needs to be included in the proposal to explain the reasons why and to evidence due regard</p>	No	<p>It is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of all the protected groups.</p> <p>207 Licensed Premises (23% of the total premises in the borough) is concentrated in the small area (the proposed area is 2.85% of the total area of the borough). The reports states that it is contended that the numbers of licensed premises in the Brick Lane area have reached a saturation point and there is a need to stop any further licences being issued or variations being made. The data shows that there are clear demonstrable links between violence against the person offences and alcohol-related violence in the area.</p> <p>As above, this policy's impact on future applicants who are companies remains unknown. The technical implications in developing an equalities strand of the Council's business data base has been reviewed by D&R that have corporate</p>

			lead responsibility for Business related data.
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	<p>The reports include detailed analysis of the data that illustrate the current problems occurring in the area, including:</p> <ul style="list-style-type: none"> - The area is the largest Street Drinking complaints hotspots (12%, April 2011 – March 2012) - 22% of all police calls to Licensed Premises are in the area - The wards that contain and surround the Saturation policy area have the highest rates for Violence Against the Person. - There has been steady increase in notifiable offences, criminal damage and drug offences, - There has been steady increase in ambulance call outs in the area. - The borough has the second highest level of ASB in London and the highest rates of ASB in the borough occur in the Brick Lane area. <p>The service conducted an extensive consultation process between 21 December 2012 and 22 March 2013. Licence holders, residents groups, responsible authorities and interested networks/forum and 165 responses were received. 81.4% of the respondents (127 out of 156) responded that they support the establishment of a saturation policy/zone in the Brick Lane area. It was found that in different groups (i.e. gender, age, disability, sexual orientation), there were responses that both favour/ do not favour the proposal. Although the number of respondents identified as Asian (Bangladeshi and Pakistani) were small (10 out of 123), all identified respondents of this group favoured the proposal.</p>
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	See above.
b	Has a reasonable attempt been made to ensure	Yes	The Police and community safety support services and

	relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?		relevant partners have been engaged in the development of this policy proposal. The consultation process held between 21 December 2012 and 22 March 2013 was extensive. A public event was held to enable interested parties to discuss the proposed policy. The Council's Licensing Committee were also consulted as to the scope and effect of the proposed policy.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Licence holders, residents groups, responsible authorities and interested networks/forums were consulted.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	See above. It is likely that the majority of impacts resulting from this policy will be positive on the health, safety and quality of life of all the protected groups.
	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	
b	Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?	Yes	This proposal will promote the health, safety and quality of life of the residents and visitors, regardless of their background and promote cohesion of the borough.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	NA	
b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	NA	
c	Are the outcomes clear?	NA	
d	Have alternative options been explored	NA	
6	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	

b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	The service and the partners including the police and NHS will continue collecting the data and monitor the impact of the policy.
7	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes	
8	Sign Off and Publication		
a	Has the Lead Officer signed off the EA? Please note – completed and signed off EA and Quality Assurance checklists to be sent to the One Tower Hamlets team	Yes	

Page 172

Any other comments			
Signature		Date	

Please keep this document for your records and forward an electronic version to the One Tower Hamlets Team