

CABINET

AGENDA PACK TWO

MAYOR

Mayor John Biggs

CABINET MEMBERS

Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Amina Ali	(Cabinet Member for Environment)
Councillor Rachel Blake	(Cabinet Member for Strategic Development & Waste)
Councillor Asma Begum	(Cabinet Member for Community Safety)
Councillor David Edgar	(Cabinet Member for Resources)
Councillor Denise Jones	(Cabinet Member for Health & Adult Services)
Councillor Abdul Mukit MBE	(Cabinet Member for Culture and Youth)
Councillor Joshua Peck	(Cabinet Member for Work & Economic Growth)
Councillor Amy Whitelock Gibbs	(Cabinet Member for Education and Children's Services)

[The quorum for Cabinet is 3 Members]

MEETING DETAILS

Tuesday, 31 October 2017 at 5.30 p.m.
C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

The meeting is open to the public to attend.

Further Information

The public are welcome to attend meetings of the Cabinet. Procedures relating to Public Engagement are set out in the 'Guide to Cabinet' attached to this agenda.

Contact for further enquiries:

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LONDON BOROUGH OF TOWER HAMLETS

CABINET

TUESDAY, 31 OCTOBER 2017

5.30 p.m.

		Pages
5.7	Statement of Licensing Policy Review 2018	506 - 701
<p>Report Summary: All local authorities have to review their existing Statement of Licensing Policy every five years; the Council must adopt a new policy by October 2018, as one of the responsibilities that they have to administer licences under the Licensing Act 2003.</p> <p>The purpose of the policy statement is to define how the responsibilities under the Act are going to be exercised and administered.</p> <p>Wards: All Wards Lead Member: Cabinet Member for Community Safety Corporate Priority: Creating and maintaining a vibrant, successful place</p>		
5.8	Passenger Transport Contact Extension	702 - 715
<p>Report Summary: Twelve Month Contract extension of the Passenger Transport Framework.</p> <p>Wards: All Wards Lead Member: Cabinet Member for Environment Corporate Priority: Creating and maintaining a vibrant, successful place</p>		
5.9	Contracts Forward Plan 2017/18 Q3	716 - 737
<p>Report Summary: Consider the contract summary and identify those contracts about which specific reports should be brought before Cabinet prior to contract award by the appropriate Corporate Director for the service area; Confirm which of the remaining contracts can proceed to contract award after tender; and Authorise the Head of legal Services to execute all necessary contract.</p> <p>Wards: All Wards Lead Member: Cabinet Member for Resources Corporate Priority: A transformed council, making best use of resources and with an outward looking culture</p>		

Report Summary:

The Mayor has responsibility for appointing representatives to certain external bodies on behalf of Tower Hamlets Council. This report sets out the appointment and removal of appointees of several outside bodies. The appointments are until further notice, though they will usually be renewed each year.

Wards: All Wards
Lead Member: Mayor
Corporate Priority: Creating and maintaining a vibrant, successful place

5 .11 Mayor's Individual Executive Decisions - List of Recently Published Decisions**Report Summary:**

A noting report listing Individual Executive Mayoral Decisions taken since the last report to Cabinet.

Wards: All Wards
Lead Member: Mayor
Corporate Priority: A transformed council, making best use of resources and with an outward looking culture

6. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**7. EXCLUSION OF THE PRESS AND PUBLIC**

In view of the contents of the remaining items on the agenda, the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government, Act 1972”.

EXEMPT/CONFIDENTIAL SECTION (PINK)

The Exempt / Confidential (Pink) Committee papers in the Agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

8. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

9. OVERVIEW & SCRUTINY COMMITTEE

9.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to exempt/confidential business to be considered.

9.2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee

(Under provisions of Article 6 Para 6.02 V of the Constitution).

10. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

Nil items.

11. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT

Agenda Item 5.7

Cabinet 31 October 2017	 TOWER HAMLETS
Report of: Ann Sutcliffe, Acting Corporate Director, Place	Classification: Unrestricted
Statement of Licensing Policy Review 2018	

Lead Member	Councillor Asma Begum Cabinet Member for Community Safety
Originating Officer(s)	David Tolley, Head of Environmental Health and Trading Standards
Wards affected	All wards
Key Decision?	No
Community Plan Theme	A Safe and Cohesive Community

Executive Summary

All local authorities have to review their existing Statement of Licensing Policy every five year's, the Council must adopt a new policy by October 2018, as one of the responsibilities that they have to administer licences under the Licensing Act 2003.

The purpose of the policy statement is to define how the responsibilities under the Act are going to be exercised and administered.

A statutory consultation process will take place and there will be the opportunity for the local community to comment on the proposed Statement of Licensing Policy.

Following consultation the reviewed policy will ultimately go to full Council for adoption.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree the forward programme for consulting on the proposed Statement of Licensing Policy.
2. Agree, if appropriate, that the consultation should be based on the proposed changes detailed in Appendix Two.
3. Delegate to the Corporate Director of Place authority to make any pre consultation amendments to the policy deemed necessary following consultation with the Corporate Director Governance.

4. To consult whether to retain the current Cumulative Impact Zone in the Brick Lane area at Appendices 1 and 3.
5. To consider whether to consult on a further Cumulative Impact Zone for Bethnal Green Road/ Cambridge Health Road to Old Bethnal Green Road that forms part of the Licensing Policy.

1. REASONS FOR THE DECISIONS

- 1.1 The Council is statutorily required to review its Statement of Licensing Policy every five years. As part of the review a statutory consultation must take place. This includes any Cumulative Licensing zone.
- 1.2 The proposed Statement of Licensing Policy which reflects changes to the current version of the policy is at Appendix Two. This will enable the new statutory provisions to be reflected in the reviewed Statement of Licensing Policy.

2. ALTERNATIVE OPTIONS

- 2.1 The Council does not have the option not to review its Statement of Licensing Policy as it would be open to legal challenge for not having a properly consulted and adopted Policy.
- 2.2 The Council also has the option of not retaining the Cumulative Impact Zone, which forms part of the Licensing Policy

3. DETAILS OF REPORT

- 3.1 The Council's current Statement of Licensing Policy was adopted by Full Council in November 2013.
- 3.2 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 five years and publish the outcome of that review.
- 3.3 We must, as a minimum carry out the statutory consultation laid down in the Act.
- 3.4 Following consultation, Cabinet must consider the revised Statement of Licensing Policy and full Council must adopt the Statement of Licensing Policy.
- 3.5 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.

- 3.6 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
- 3.7 Each Local Authority must have a Statement of Licensing Policy. The policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.8 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 by central government during the course of the last five years.
- 3.9 The Statutory Consultation requirements consist of:-
- 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 premises or personal licences
 - Such persons as the Licensing Authority considers to be representative of holders of existing club premises certificates issued by the authority
 - Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
 - Director of Public Health
- 3.10 The current review considers legislative changes. The changes respond, in the main, to guidance and regulatory changes by central government and operational changes during the course of the last five years:- They include
- Addition of Home Office Immigration Enforcement Unit as a responsible authority under the Immigration Act 2016
 - The consideration of West Ham United having the Olympic Park as a home ground
 - Consideration to maintain the Cumulative Impact Zone
 - Removal of 'pool conditions' but add in reference to home office website
 - Linking in street furniture and fly posting into the licence
 - Consideration of fixed penalty notices and cautions as criteria for previous history of applicants.
 - Clarification of the protection of children through underage sales
 - To include the determination of the Late Night Levy consultation
 - To append the Sexual Entertainment Venues Policy and Gambling Policy as part of the Licensing regime.
 - Clarification on the rules and procedures involving Temporary Event Notifications
 - Update of mandatory conditions

3.11 The time table for the draft policy for consultation is:

Date	Process
October 2017	Cabinet agrees consultation
December 2017	Licensing Committee consulted
January 2018 – March 2018	Public/statutory consultation
April 2018- May 2018	Consultation feedback reviewed
June 2018	Mayors Advisory Board
July/August 2018	Cabinet to consider new policy
September/October 2018	Full Council agreement

3.12 The Public Health Team will be consulted and will be in a position to add a further considerations in relation to maximum strength alcohol and pricing strategies.

3.13 At the conclusion of the consultation process a resource analysis will be undertaken to estimate any additional cost to the Licensing Service when implementing the new policy.

3.14 The existing Policy is attached at Appendix One , the proposed changes to the Policy and the proposed revised version of the Policy are outlined in Appendix Two.

Brick Lane Cumulative Impact Zone

3.15 As part of the Statement of Licensing Policy review, the impact of the Cumulative Impact Zone in the Brick Lane area has been considered. The Cumulative Impact Zone was introduced in November 2013 and is referred to in Appendix 3.

3.16 Since its introduction incidents of crime and antisocial behaviour linked to licensed premises within the Cumulative Impact Zone have seen an overall reduction despite the fluctuating figures .The figures below show the fluctuations in the numbers of crime and anti-social behaviour linked with licensed premises. .

Year	Number of ASB complaints in CIZ	Increase/Decrease in complaints (+=increase)
2012	510	-
2013	591	+ 81 more than 2012
2014	786	+195
2015	736	-50
2016	459	-177

- 3.17 The hotspot maps at Appendix 3 reflect the distribution of incidents of crime and antisocial behaviour (ASB) in the area linked to licensed premises from December 2012 to December 2016.
- 3.18 In addition there has also been a reduction in total number of complaints received by Licensing and the Noise Team shown below:
- 01/12/2010 to 29/10/13 – 520 total complaints received by Noise and/or Licensing Teams (before the CIZ was introduced)
 - 06/11/2013 to 01/11/16 – 190 total complaints received by Noise and/or Licensing Teams after the CIZ was introduced
- 3.19 Furthermore there are fewer premises licenses being granted within the Brick Lane Cumulative Impact Zone, 190 between 3rd August 2005 and 1st November 2013, and 63 granted between 25th November 2013 and 15th September 2016.
- 3.20 Part of the Spitalfields and Banglatown areas fall within the Brick Lane CIZ. The incidents referred to in the table below occur in Spitalfields and Banglatown ward.

Year	Number of ASB complaints borough wide linked to licensed premises	Increase/Decrease in complaints (+=increase)
2012	622	-
2013	686	+64
2014	838	+152
2015	774	-64
2016	559	-215

- 3.21 Based on the number of incidents, consideration was given to proposing an expansion of the Brick Lane CIZ to encompass the whole of Spitalfields and Banglatown. However in producing our own hotspot maps of this area, which can be found in Appendix 5 (Hot Spot Maps a to e), shows there was insufficient evidence to support expanding the CIZ to encompass all of this ward.
- 3.22 Maps from the Metropolitan Police website (see Appendix 4) also show that the whole of Spitalfields and Banglatown Ward (part of which is included in the CIZ) is categorised as high for antisocial behaviour, although it should be noted that this map is based on all incidents of antisocial behaviour and not necessarily those linked to licensed premises.
- 3.23 Therefore it is proposed to keep the current CIZ. Evidence detailed above in paragraphs 3.16 and 3.20 and the appendices supports the retention of the CIZ in its current form. Retention of the current CIZ will assist the Council in

reducing the cumulative impact on crime and antisocial behaviour linked to licensed premises within this area.

- 3.24 To enable the retention of the Brick Lane CIZ in its current form a consultation of businesses and other interested groups that may be affected by the CIZ must be carried out, this will form part of the consultation for the Statement of Licensing policy. Appendix 6 shows a hot spot map of the whole Borough identifying licensed premises and the reports of anti-social behaviour or crime linked to licensed premises between April 2016 and March 2017. Nearly 16% of these incidents occurred in the current cumulative impact zone.
- 3.25 It is possible to make an argument for an additional cumulative impact zone to be brought in to being within the Borough, along Bethnal Green Road from Valence Road to Cambridge Health Road and up to Old Bethnal Green Road as shown in the hot spot map at Appendix 7 Such a zone would capture approximately 52 licensed premises. Based on data from 999/101 calls to Police in 2016/17 there was 382 incidents linked to licensed premises, however, it should be noted that 15 of these were abandoned calls. This data detailed on Appendix 8 breaks down this data type of incident and the number of them recorded between April 2016 and March 2017. From this data the most common type of incident reported linked to licence premises in the area was "Violence Against the Person".
- 3.26 As this proposed new zone (see Appendix 9) represents a small area, it could be argued that there is little point in creating a new cumulative impact zone for this area and the Council could rely upon current initiatives as Best Bar None, Pub Watch and Community Alcohol Partnerships to ASB address issues.
- 3.27 The consideration of Cumulative Impact Zones within the Licensing Policy Review draws the links between other strategies and reviews that the Council has approved with regards to the *Anti-social behaviour – A blue print for local action in Tower Hamlets*, the current consideration of the adoption of the late night levy and the report back on the Late Night Economy Scrutiny review. These strategies and reviews look at strengthening the action that can be taken to deal with anti-social behaviour and the consideration of having Cumulative Impact Zones will compliment these initiatives.
- 3.28 An Equalities Impact Assessment on the consultation and policy has been undertaken and is in Appendix 10.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The report sets out for agreement the forward programme for consultation on the Statement of Licensing Policy. The Licensing Service has a gross expenditure budget of £352,500 for the administration of the service. The cost of the service is met by the fees received from the licences. Income for 2017/18 is budgeted at £473,762 which is in line with the level of income achieved in previous years.

4.2 The report also considers the retention of the current Cumulative Impact Zone (CIZ) and introduction of a smaller CIZ along Bethnal Green Road to Cambridge Heath Road, where a total of up to 33 licensed premises will be impacted. The report is in favour of retention of the CIZ and highlights the role it has played helping to address anti-social behaviour issues within the Borough. The result of any decision made will not have an impact on the income budget. However, before a decision can be made consultation will need to be carried. It is proposed that this is completed as part of the consultation on the Statement of Licensing Policy. The costs of the consultation and proposed changes to the Policy can be met from the Licensing Services Budget.

5. LEGAL COMMENTS

5.1 The Council is a Licensing Authority under the Licensing Act 2003 (“the Act”). Section 5(1) of the Act requires the Licensing Authority to determine and publish its policy with respect to the exercise of its licensing functions. The requirement is for the Council to prepare and publish its statement of licensing policy in respect of each 5 year period. The Council is required to have regard to the policy in the exercise of its licensing functions, to keep the policy under review.

5.2 The Act specifies a minimum level of consultation which the Council must carry out before determining its licensing policy for a 5 year period. Section 5(3) of the Act requires specified persons and bodies to be consulted, as referred to in paragraph 3.9 of the body of the report.

5.3 When determining its’ licensing policy, the Council is required to have regard to the following:

- Promoting the four licensing objectives, (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 in accordance with S182 of the Act (April 2017)

5.4 The Licensing Policy of the Authority may include a statement that there is a potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The community impact assessment (CIA) must set out the evidence for the authority’s opinion. Within 3 years of publication or on review of the CIA, the Authority must consult with the bodies referred to in Section 5(3) of the Act to consider whether there has been a change in its opinions. Any revision of the CIA must be published. There is an obligation to regularly review any special policy included in the Licensing Policy to assess whether it is still needed. This will include the Cumulative Impact Policy. Therefore the report invites Members to consider whether to retain the current CIZ in the Brick Lane area, to expand the CIZ for the whole of the Spitalfields and Banglatown area or to create a

new CIZ along Bethnal Green Road from Valence Road to Cambridge Heath Road and up to Old Bethnal Green Road .

- 5.5 The following changes in legislation are included in the proposed new policy:
- 5.6. With effect from 6.4.2017 the Immigration Act 2016 amended Section 2A Licensing Act 2003 so that any individual applying for a personal licence must be entitled to work in the UK. The application will be rejected if they are not entitled to work in the UK. The licensing authority must be satisfied that an individual who applies for a premises licence is entitled to work.
- 5.7 If an applicant's immigration permission to live or work in the UK is time limited, a personal licence may be granted but becomes invalid when the immigration permission expires.
- 5.8. Since 1.4.2017, the Secretary of State has been a Responsible Authority in respect of premises licensing to the sale of alcohol or late night refreshment. Enforcement of this role will be undertaken by the Home Office Immigration Enforcement on behalf of the Secretary of State. The enforcement powers will be in respect of the prevention of crime and disorder licensing objective.
- 5.7 Since 1.4.2017, businesses which sell alcohol will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registrations Scheme (AWRS).
- 5.9 In accordance with the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities (England) Regulations 2000, functions relating to licensing are to be exercised by Full Council. Full council has delegated some of these functions to the Licensing Committee and officers but the adoption of the of licensing policy is a matter for full council.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 An initial equalities analysis has been undertaken and no adverse impacts have been identified

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Council is fulfilling its best value duty by ensuring that staff resources are targeting the higher risk licensed premises. The report details how the Service will operate its statutory function under the Licensing Act 2003 ensuring that licence holders are held to account whilst reducing burdens on well-run businesses. The statement of Licensing Policy allows Officers to use a range of interventions to seek compliance.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no adverse impacts identified.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Council will be at risk of legal challenge if a properly consulted and adopted Statement of Licensing Policy is not in place by Autumn 2018.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 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.

11. SAFEGUARDING IMPLICATIONS

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

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

Appendix 1 – Current Statement of Licensing Policy
Appendix 2 - Proposed Changes to the Statement of Licensing Policy
Appendix 3 – Current Cumulative Impact Zone hot spots over time
Appendix 4 – Metropolitan Police crime map
Appendix 5 – Spitalfields and Banglatown Ward hot spot map over time
Appendix 6 – Borough-wide antisocial behaviour complaints linked to licenced premises
Appendix 7 – Hot Spot map of Bethnal Green Road, Cambridge Health Road to Old Bethnal Green Road
Appendix 8 – 999/101 calls within the proposed CIZ
Appendix 9 – Outline of proposed CIZ for Bethnal Green
Appendix 10 – Equalities analysis

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

NONE

Officer contact details for documents:

N/A

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Effective 1st November 2013-~~XXX~~

***The London Borough of
Tower Hamlets
STATEMENT OF
LICENSING POLICY
2018 – 2023***

Statement of Licensing Policy under the Licensing Act 2003

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Commented [TL1]: Will be updated to mirror new contents following consultation.

Background and Context

This Policy should be read in conjunction with:

The Licensing Act 2003 available from

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

www.hmso.gov.uk/acts/acts2003/20030017.htm or by telephoning 01603 723011
+44 (0)333 202 507

Government Guidance under Section 182 of the Licensing Act 2003:

available on the website www.gov.uk ~~www.dcms.gov.uk~~ or by telephoning 020 7211
6200 020 7035 4848

Tower Hamlets guidance documents on making applications under the Licensing Act 2003 available from <http://www.towerhamlets.gov.uk/licensing>

[ignl/business/licences/beer_and_entertainment/beer_and_entertainment.aspx](http://www.towerhamlets.gov.uk/licensing/ignl/business/licences/beer_and_entertainment/beer_and_entertainment.aspx)
~~http://www.towerhamlets.gov.uk/lgsi/851-900/860-beer_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 Fair and Prosperous Community

A Safe and Cohesive Community

A Healthy and Supportive Community

You will find there is more detailed information about the four themes, and how they support One Tower Hamlets at:

http://www.towerhamlets.gov.uk/ignl/community_and_living/community_plan/strategic_plan.aspx www.towerhamlets.gov.uk/lgs/.../800022_community_plan.aspx

1 Introduction

1.1 *The London Borough of Tower Hamlets is the Licensing Authority under the Licensing Act 2003 (the Act). It is responsible for granting premises licences; club premises certificates; temporary events notices, in respect of the provision of licensable activities; and personal licences in the Borough.*

The term 'Licensing Authority' will be used in all future references to 'the London Borough of Tower Hamlets' in this Statement of Licensing Policy.

All references to the Secretary of State's Guidance relate the statutory guidance published by the Home Office under section 182 of the Act on the 6th April 2017. A copy of this version is available at www.gov.uk.

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:~~

1.2 *This policy is intended to provide clarity to applicants, 'other persons' and 'responsible authorities' on how this Licensing Authority will determine applications for the following licensable activities:*

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of regulated entertainment (*as defined in Schedule 1 of the Act*)
- Supply of hot food and / or drink between 23:00 and 05:00 hours

2 The Policy

2.1 *This 'Statement of Licensing Policy' was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State's Guidance issued under Section 182 of the Act.*

2.2 *The 2003 Act requires that the Licensing Authority, after consultation, adopts and*

publishes a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively.

~~2.1 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.~~

~~2.2 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.~~

3 Consultation

3.1 Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are:

- the Chief Officer of Police,*
- the Fire Authority,*
- representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough*
- such other persons considered to be representatives of business and residents in the area.*

The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.

~~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 20183.~~

3.2 The Council *Licensing Authority* 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, *and other key stakeholders* are consulted.

3.3 The Council *Licensing Authority* 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 regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are within the control of individual licensees.

~~4.8 Licensing is about the regulation of licensable activities on 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 where the Licensing Authority's discretion is engaged it will consider the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.

~~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 other persons the application will be determined the Licensing Sub-Committee. In making decisions on licence applications, the Licensing Sub-Committee will have regard to the Act and relevant Regulations, the Secretary of State's Guidance, and this Statement

of Licensing Policy.

~~If representation 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 *will* be granted subject only to the mandatory conditions *and* or conditions that are consistent with the applicant’s operating schedule.
- 4.14 When considering ~~these conditions~~ *the addition of conditions consistent with applicant’s operating schedule* the Licensing Authority *will ensure that such conditions are enforceable and proportionate*. ~~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 ~~Consultation with local residents~~ *Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory 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~~ *This statutory consultation requires an advertisement of the application in a local paper and the display of a pale blue notice on the premises, both done by the applicant. Failure to adhere to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period.*
- 4.20 Following consultation the Licensing Authority has ~~determined~~ *decided it will* ~~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 *In respect of paragraphs 4.20 and 4.21 above should the Licensing Authority, in the unlikely event, fail to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application. The Licensing Authority can only refuse or delay (restart the consultation period) where it receives an invalid application or where the applicant fails to comply with the statutory consultation.*

~~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 Authority 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 Home Office as a Responsible Authority

- 6.1 From 6th April 2017 the provisions of Immigration Act 2016 which relate to Licensing became effective. These provisions amend the Licensing Act 2003 making the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. For contact details please see the list of Responsible Authorities in Appendix 1.*

When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

- 6.2 From 6th April 2017 Licensing Authorities will check the eligibility to work for those applying for personal licences and premises licences for the sale of alcohol and late night refreshment (hot food or drink between 23:00 and*

05:00 hours).

This does not apply to the licensable activity of Regulated Entertainment ONLY or Club premises certificate and temporary event notices (TEN). However, they will commit a criminal offence if they work illegally.

6.3 *Those applying for a personal or premises licence (for sale of alcohol/provision of late night refreshment) must be able to satisfy the Licensing Authority that they have permission to be in the United Kingdom (UK), and are entitled to undertake work relating to the carrying on of a licensable activity. Essentially this means that licence cannot be granted to disqualified persons who are:*

- *Unlawfully present in the UK,*
- *Not permitted to work in the UK,*
- *Permitted to work, but not in this licensable activity.*

Applications from disqualified persons above will be classed as invalid and will be rejected.

6.4 *The application for personal and premises licences must submit one of the documents listed in Annex A of the Secretary of State's Guidance with their application, to show that they have permission to be in the UK and to undertake work in a licensable activity. Applicants may provide photocopies or scanned copies of the documents, which do not need to be endorsed as a copy of the original. Applicants are not required to submit original copies of documents.*

6.5 *Where an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.*

6.6 *A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder's permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.*

6.7 *The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:*

- *An enforcement operation or data sharing that identifies a relevant offence,*
- *The issue of a civil penalty for employing illegal workers,*
- *The identification of a licence holder whose leave to be in the UK, or their*

permission to work, has come to an end.

7 Crime and Disorder

- 7.1 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 and to store prescribed information.
- 7.2 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 *licensing* 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,~~ *acting as a responsible authority*, makes recommendations *in respect of an application for premises that relate relating* to the licensing objectives *the Licensing Authority would expect the applicant to incorporate these into their* the operating schedule should ~~normally incorporate the recommendations.~~
- 7.3 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.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough *and to share prescribed information.*
- 7.5 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-~~ *the Secretary of State's Guidance.*
- 7.6 **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.
- 7.7 ***Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.*

As a result, in relation to premises where there is intelligence that touting is, or has been carry out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

~~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 Councils 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 *Code of Practice*. 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 *can be found* from the Licensing Act 2003, Section 182 Guidance are in *the Secretary of State's Guidance* Appendix 2.

6.11 Criminal Activity - *There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:*

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs;*
- *for the organisation of racist activity or the promotion of racist attacks;*
- *for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

~~The Licensing Authority will consider licence review applications where there is evidence that smuggled alcohol has been offered for sale on the premises. Where other smuggled 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 ~~Smuggled 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~~ *Secretary of State's Guidance* "Reviews arising in connection with crime".
- 6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

6.17 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 *to provide traceability*.

6.18 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

6.18.1 The premises licence holder shall ensure that all receipts for goods bought include the following details:

- Seller's name and address
- Seller's company details, if applicable
- Seller's VAT details, if applicable
- Vehicle registration detail, if applicable

6.18.2 Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

6.18.3 The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

6.18.4 Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

6.19 *Olympic Park – Football Ground*

6.20 *Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:*

- 1) *On Match Days for premises licensed for the supply of alcohol for consumption on the premises:***
 - a. *Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer,***
 - b. *Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).***

Commented [TL2]: This section has been moved

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 / *other person* 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 *or more* 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 *and came into effective on 1st November 2013.*~~
- 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.~~

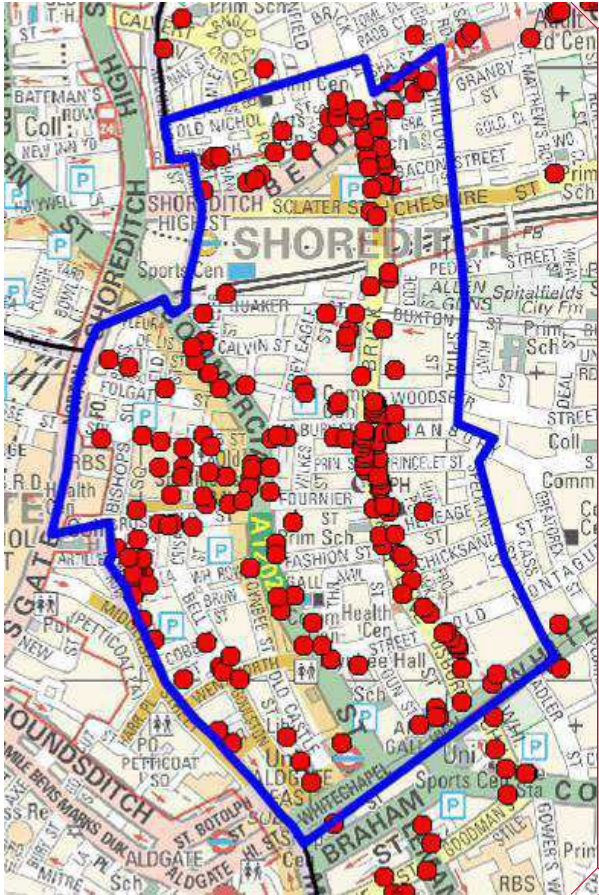
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.
- 8.4 ~~Following consultation in 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to Licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.~~
- 8.5 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 ~~by the Licensing Sub-Committee~~. 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.
- 8.6 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.

Effective 1st



Map courtesy of Metropolitan Police

Commented [TL3]: Insert New Map Here

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 *proportionate and appropriate* Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a *the* Model Pool of Conditions *found in the Secretary of States Guidance* 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 *Public* 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~~ *Section 19 of this Policy (Special Cumulative Impact*

Policy for the Brick Lane Area), and these may include conditions drawn from the Model Pool of Conditions *found in the Secretary of States Guidance*.

- 10.4 **Street Furniture** – *placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.*
- 10.5 **Fly Posting** - *The Council has experienced 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 proportionate and 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.*

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 to consult with the CPRS Unit of the Council who this Licensing Authority recognises to be competent body to advise on the protection of children from harm. Please see section f in appendix 1 – List of Responsible Authorities for contact details for the CPRS Unit.*
- 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, *Fixed Penalty Notices (FPNs) or formal cautions* 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 *by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.*
- 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. This will require operating plans to specify these measures and management controls. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.*
- 11.10 The sale of alcohol to a minor is a criminal offence and Trading Standards will*

conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.

11.11 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place.

11.12 Training should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.

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 **12.1** ~~11.4~~ 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 *Policy* 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. *This only applies where the Licensing Authority's* ~~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 (*30 minutes*) 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 frame work 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/ignl/environment_and_planning/Planning.aspx](http://www.towerhamlets.gov.uk/ignl/environment_and_planning/planning/Planning.aspx)

<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 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

~~18.1 The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4.~~

~~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~~

~~18.2 The Licensing Authority will only seek to attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives.~~

~~18.3 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.~~

~~18.4 In addition standard conditions required by the Licensing Act 2003, its regulations or guidance will be attached as relevant.~~

~~18.5 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.~~

18.6 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.

18.7 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.

18.8 All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives.

18.9 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.

18.10 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

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18 Cumulative Effect

- 18.1 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.
- 18.2 Representations may be received from a responsible authority / *other person*~~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.
- 18.3 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 *or more* of the licensing objectives.
- 18.4 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
- 18.5 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.
- 18.6 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.

- 18.7 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.
- 18.8 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.
- 18.9 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
- 18.10 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.
- 18.11 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.

19 **Special Cumulative Impact Policy for the Brick Lane Area**

- 19.1 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 *and came into effect on the 1st November 2013.*
- 19.2 After consultation the Council recognised 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.
- 19.3 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.

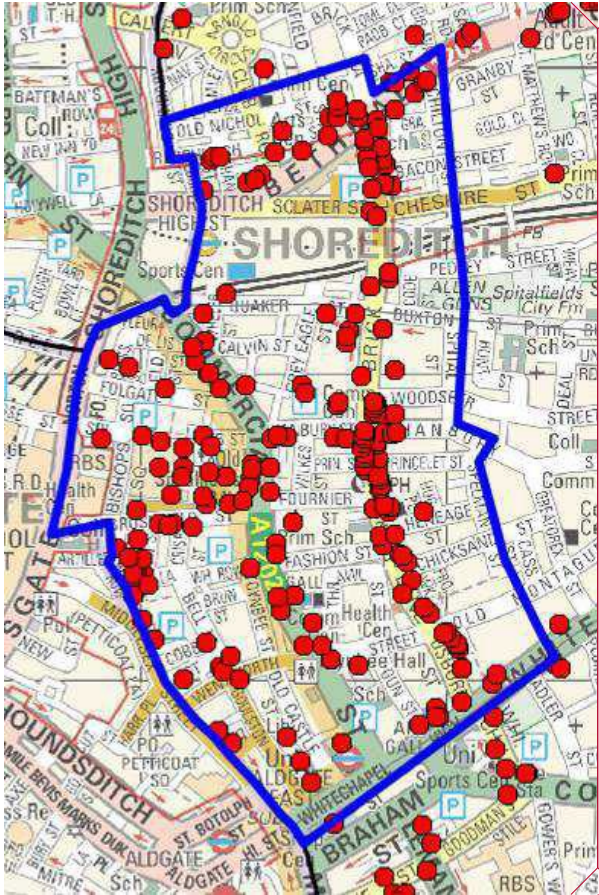
- 19.4 *Following consultation in 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.*
- 19.5 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 *by the Licensing Sub-Committee*. 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.
- 19.6 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.

Effective 1st



Map courtesy of Metropolitan Police

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20 Late Night Levy

- 20.1 *Following formal consultation in 2017 the Council introduced a Late Night Levy within the borough on 1st January 2018, with the levied hours being midnight to 6am (00:00 to 06:00 hours). The levy is a discretionary power, which this Council has adopted.*
- 20.2 *The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in the following legislation:*
- *Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2*
 - *The Late Night Levy (Application and Administration) Regulations 2012*
 - *The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.*
- 20.3 *The purpose of the levy is to assist local authorities and the police to manage and improve the night time economy. The money raised by the levy can be used for a range of activities and can be given to other agencies where they can assist in the reduction of crime and disorder, promotion of public safety, reduction or prevention of public nuisance, and cleaning of highways or land in the Borough.*
- 20.4 *The Late Night Levy will be applied in accordance with this Policy, having regard to the governing legislation and Home Office Guidance issued on 24th March 2015 in relation to the Late Night Levy (or any subsequent guidance).*
- 20.5 *From 1st January 2018 holders of premises licences or club premises certificates that are authorised by their licence for the sale/supply of alcohol (on and/or off sales) between the levied hours (00:00 to 06:00 hours). This will apply whether the hours detailed in such licences for the sale/supply of alcohol are used or not.*
- For example where a licence permits the sale/supply of alcohol until 02:00 hours (i.e. within the levied hours), however the premises closes regularly at 23:30 hours they will still be liable to pay the levy unless eligible for an exemption, see list of exemptions below.*
- 20.6 *The amount of the levy is set by the UK Government and is a yearly amount between £299 and £4,440 depending on the rateable value of the premises and the their actual use. See table below:*

Rateable Value Bands (based on the existing fee bands)	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,001 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E x 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

20.7 The Licensing Authority will collect the levy from those premises liable to pay it at the same time as the Premises Licence or Club Premises Certificate annual fee.

20.8 Failure to pay the levy will result in suspension of Licence/Certificate until the levy has been paid, and any outstanding money owed can be recovered as a civil deb.

20.9 Exemptions from the Levy

The following permitted categories of premises are exempt from paying the levy

*a) Premises with overnight accommodation;
this exemption does not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight,*

*b) Theatres and cinemas;
this exemption only applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production, or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose,*

*c) Bingo Halls;
these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity,*

*d) Community Amateur Sports Clubs;
these must be clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions including relief from business rates,*

*e) Community premises;
these must be premises that form part of the church hall, chapel hall, village hall, parish hall, community hall or other similar buildings,*

f) New Year's Eve Premises only, this relates to premises which are authorised to sell alcohol between midnight and 6am, ONLY applies on New Year's Day.

20.10 No exemptions will be granted for the following:

a) Country Village Pubs – this has been decided because it is not relevant to a London Borough such as Tower Hamlets as the definition is pubs that are solely designated in rural settlements with a population less than 3000.

b) Business Improvement Districts (BIDs) - BIDs are district led partnerships created through ballots process via businesses within the district and operate via a levy charge. There are currently none within the borough.

20.11 Reductions

A 30% reduction of the levy will be given to premises who have achieved accreditation in Best Bar None (BBN) Scheme.

No reduction will be given to premises subject to small business rates relief. This has been decided because these premises receive business rates relief to assist in their viability; however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Furthermore due to their rateable value, they are more likely to be liable to the lower levy amounts.

20.12 Temporary Event Notices (TENs)

The levy does not apply to Temporary Event Notifications (TENs).

19 Sexual Entertainment

19.1 The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4'.

~~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~~

- 19.2 ~~The Licensing Authority will only seek to attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives.~~
- 19.3 ~~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.~~
- 19.4 ~~In addition standard conditions required by the Licensing Act 2003, its regulations or guidance will be attached as relevant.~~
- 19.5 ~~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.~~
- 19.6 ~~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.~~
- 19.7 ~~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.~~
- 19.8 ~~All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives.~~
- 19.9 ~~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.

19.10 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:

- f. A code of conduct for dancers and appropriate disciplinary procedures, developed in consultation with the police and the council.
- g. Rules of conduct for customers, developed in consultation with the police and the council.
- h. 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.
- i. The exclusion of persons under 18 from the premises when such activities are taking place.
- j. That publicity and advertising does not cause offence to members of the local community

20 Enforcement

20.1 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.

20.2 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.

20.3 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.

20.4 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

~~20.5 Following this Policy the Steps that can be taken by the Licensing Authority Council include can take the following action:~~

- ~~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;~~
- ~~e. Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.~~

~~20.6 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.~~

~~20.7 Conditions should be: clear
enforceable evidenced proportionate
be expressed in plain language capable of being understood by those expected to comply with them.~~

~~20.8 Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.~~

~~20.9 Licensing authority cannot impose blanket standard conditions. **The Secretary of State's Guidance contains** a A pool of conditions is included in the appendix.~~

~~20.10 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.~~

21 Late Night Refreshments and Deregulation Act 2015

- 20.1 *Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Licensing authorities can choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises.*
- 20.2 *The Licensing Authority can only exempt types of premises set out in the regulations. These are:*
- *Motorway service areas;*
 - *petrol stations;*
 - *local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;*
 - *schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;*
 - *hospitals (except domestic premises);*
 - *community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;*
 - *licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.*
- 20.3 *This Licensing Authority has decided it is not appropriate for the reasons of promotion of the licensing objectives to use the exemptions, and it requires all late night refreshment providers to be licensed.*

22 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. *This is* subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence relating to *where the* premises *are* 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. *This is* 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 artist; 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 advanced notice of at least ten full working days' notice must be given to the Licensing Authority and the Metropolitan Police (please see paragraph 22.4 and 22.5 below for this Licensing Authority's required notice period).*

~~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.~~

22.2 *Temporary Event Notices (TENs) authorise "one-off" licensable activities on a premises without the need for a premises licence or club premises certificate. TENs are not a Licence but a notification to the Licensing Authority, Police and Environmental Health of the intention to carry out Licensable activities. There are certain restrictions relating to TENs set out in the Act:*

- a) *the number of times a person (the "premises user") may give a TEN (these figures are inclusive of Late TENs):*
 - *50 times per calendar year for a personal licence holder,*
 - *5 times per calendar year for other people (non personal licence holders);*
- b) *the number of times a TEN may be given for individual premises is 15 times in a calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;*
- c) *the temporary event may last no more than 168 hours (this relates to the licensable activities only);*

- d) *the scale of the event in terms of the maximum number of people attending at any one time can be no more than 499 (including staff/volunteers etc. running the event).*
- 22.3 *Where events are planned outside the limits above, an application must be made for a limited duration Premises Licence.*
- 22.4 *Paragraph 7.11 of the Secretary of State's Guidance states "Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them"*
- 22.5 *In accordance with this section of the Guidance, this Licensing Authority expects event organisers' to give at least 28 days' notice of a temporary event, and that the event has been discussed with Metropolitan Police before submission. This will ensure that full detailed discussion can take place between the organiser and any other interested parties in order to ensure promotion of the 4 licencing objectives. The maximum timescale this Licensing Authority will accept a TEN in advance of an event is 3 months.*
- i. *Organisers of outdoor events are strongly advised to contact the Council's Sports Leisure and Culture Department, Environmental Health and Health and Safety as well as the emergency services for advice.*
 - ii. *With regards to giving notice to the relevant authority, as the term "give" used in section 100 of Licensing Act 2003 is not defined, the Licensing Authority considers this to mean the date on which the TEN is received by the Licensing Authority and not the date on which it was sent. Applicants are therefore advised to hand deliver notices if time is short, as late notices will not be accepted under any circumstances.*
- 22.6 *Applications for TENs must be made using the prescribed form. Applications must be given to the Licensing Authority and the Metropolitan Police in duplicate.*
- 22.7 *It should be noted that the Metropolitan Police and the Council's Environmental Health Notice Service are the only bodies who may make representations to a TEN. However, these two bodies may object to a TEN on grounds that any of the licensing objectives would not be promoted should the event go ahead. Where objections are received the matter will be put before the Licensing Authority's Licensing Sub-Committee. The Licensing Sub-Committee may:*

- i) *Allow the TEN to go ahead*
- ii) *Reject the TEN*

22.8 *The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 22.2 (b-d) above and the below limitations referred to below in relation to the number of times a person (the “premises user”) may give a Late TEN, which is:*

- a) *10 times per calendar year for a personal licence holder,*
- b) *2 times per calendar year for other people (non personal licence holders).*

22.9 *These “Late TENS” can be submitted to the Licensing Authority, Metropolitan Police and the Council’s Environmental Health Noise Section between 5 and 9 days c;ear working days before the event, this does not include the day of receipt of the TEN or the day of the proposed event. It should be noted that if either the Police or the Council’s Noise and Nuisance team lodges an objection to a Late TEN the event will **not** go ahead.*

22.10 *The Licensing authority, with other partners, will provide advice where appropriate to help 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.*

~~22.6 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.~~

22.11 *TENS received that relate to premises within the Cumulative Impact Zone may be received objections from the pPolice or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the Cumulative Impact Zone (CIZ). Therefore persons giving TENS within this Zone should have regard for the Cumulative Impact Policy detailed above and the Secretary State’s Guidance relating to Cumulative Impact. The reason for the CIZ is to reduce crime and disorder, and nuisance from a concentration of licensed premises.*

22.12 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 Enforcement

23.1 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.

23.2 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.

23.3 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.

23.4 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

23.5 Steps that can be taken by *Following this Policy* the Council include *Licensing Authority can take the following action:*

f. *Taking no action;*

g. *Issuing an informal warning;*

h. *Recommending improvements within a particular time;*

i. *Monitoring by regular inspection and invite to seek a further review if problems persist;*

j. *Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.*

23.6 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.

23.7 Conditions should be: clear enforceable evidenced proportionate be expressed in plain language capable of being understood by those expected to comply with them.

23.8 Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.

23.9 Licensing authority cannot impose blanket standard conditions. *The Secretary of State's Guidance contains* a A pool of conditions is included in the appendix.

23.10 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.

23.11 **Licence Suspensions Non Payment of Licence Fee**
This is a power brought as part of the *In accordance with the* amendments brought about *introduced* 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.

23.12 The regulations *legislation* states that the premises licence holder will be given at least 2 working days' *notice that the licence will be suspended* before the suspension is to take place *effect*.

23.13 *It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send* A a single request for payment *to the licence holder giving 28 days from the date of the letter to make the required payment.* will be sent and the Licensing Authority will then take *If no payment is received the Licensing Authority will take* measures to suspend the licence ~~if payment is not received within 28 days.~~

23.14 *Following the action to suspend the licence* income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment *is received* or licence surrendered.

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24 Review Process

24.1 Working in partnership

The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, ~~interested parties~~ *other persons*, (as defined by the Secretary of State Guidance), *responsible authorities* ~~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

24.2 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~~ *other persons* to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence.

24.3 Proceedings

There are proceedings under the Licensing Act 2003 for reviewing a premises licence. These 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.

24.4 Initiating Reviews

At any stage, following the grant of a premises licence, any of the Responsible Authorities or any ~~interested party~~ *other persons*, 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.

24.5 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 *Council* ~~London Borough of Tower Hamlets~~ who are specified as Responsible Authorities under the Act may request reviews.

24.6 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 a ~~interested party~~ *other person*, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.

24.7 Where the Licensing Authority receives a request for a review in accordance with the closure procedures contained *described in Part 8 of the Act (for example, closure orders)* in legislation, it will arrange a hearing in accordance with the regulations set out by the Government.

24.8 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:~~ *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- 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)~~ *Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);*
- b. ~~Excluding~~ a licensable activity from the scope of the licence;
- c. ~~Remove~~ing the designated supervisor;
- d. Suspending the licence for a period not exceeding three months;
- e. ~~Revoke~~ing the licence.

~~Steps that can be taken by Following this Policy the Council include~~
Licensing Authority can take the following action:

- 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;
- e. *Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.*

24.9 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

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being undermined.

24.10 Licence Suspensions - Non Payment of Licence Fee

This is a power brought as part of the *As per* 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.~~

~~24.11 The regulations *legislation* 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 *effect*.~~

~~24.12 *It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send A a single request for payment to the licence holder giving 28 days from the date of the letter to make the require payment.* will be sent and the Licensing Authority will then take *If no payment is received the Licensing Authority will take* measures to suspend the licence if payment is not received within 28 days.~~

~~24.13 *Following the action to suspend the licence* income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment *is received* or licence surrendered.~~

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25 Responsibility of Licence Holders and Designated Premises Supervisors

25.1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and *surrendered the licence or* 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.

26 “No Traveller” and similar signs

26.1 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.

26.2 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. *The Licensing Authority will also refer such practices to other authorities, where appropriate.*

27 Promotion of Racial Equality

- 27.1 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.
- 27.2 The Council as an organisation has a race equality scheme and monitoring licensing forms a part of that overall scheme.

28 Duplication

- 28.1 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.

29 Administration, Exercise and Delegation of Functions

- 29.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 29.2 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.
- 29.3 The *following* 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
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			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

29.4 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.~~

29.5 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.

29.6 The officers to exercise the discretion are officers who are responsible for the Licensing function *and* who are given the appropriate written delegated

authority.

- 29.7 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 *and Safety* Team on 0207 364 5008 or Licensing@towerhamlets.gov.uk.
- 29.8 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 (including time limited) 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
Toby Club
Vawdrey Close
London
E1 4UA

Tel: 0208 721 2324 and 07825850906
Email: HT-LicensingOffice@met.police.uk

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

London Fire & Emergency Planning Authority
Fire Safety Regulation
NE 2 Area
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 8555 1200
Email: FSRNorth@london-fire.gov.uk

- (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.) **Licensing and Safety Team**
London Borough of Tower Hamlets
Environment Health and Trading Standards
John Onslow House
1 Ewart Place*

London E3 5EQ

Tel: 020 7364 5008

Email: Healthand.Safety@towerhamlets.gov.uk

OR

ii.) Health and Safety Executive

Rose Court

2 Southwark Bridge

London SE1 9HS

Fax: 020 7556 2201

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

Administration Section

John Onslow House

1 Ewart Place

London E3 5EQ

Tel: 020 7364 5008

Email: Trading.Standards@towerhamlets.gov.uk

*** 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

Planning Department
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel: 020 7364 5009

Email: Planning@towerhamlets.gov.uk

- (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 –

Environmental Protection

London Borough of Tower Hamlets
Administration Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel: 020 7364 5007

Email: Environmental.Health@towerhamlets.gov.uk

- (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

Child Protection

CPRS Unit
2nd Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel: 020 7364 3496

Email: Licensing-ChildProtection@towerhamlets.gov.uk

(g) **Public Health**

Dr Somen Banerjee
Interim Director of Public Health Tower Hamlets
4th floor
Clove Crescent
London
E14 2BG

Tel: 020 7364 7014

Email: Somen.banerjee@towerhamlets.gov.uk

(h) **The Home Office's Secretary of State (Home Office Immigration Enforcement)**

*Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY*

Email: Alcohol@homeoffice.gsi.gov.uk

~~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
5009

Tel: 020 7364

- (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

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or*
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended*

For “ON and OFF SALES” and “ON SALES ONLY”: Add conds 1-5

1.
 - (1) The responsible person must 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;*
 - (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 in a manner which carries a significant risk of undermining a licensing objective*
 - (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 in a manner which carries a significant risk of undermining a licensing objective;*
 - (d) 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;*
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability*
2. *The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.*

- 3.
- (1) *The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.*
 - (2) *The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy*
 - (3) *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 either—*
 - (a) *a holographic mark, or*
 - (b) *an ultraviolet feature.*
4. *The responsible person must 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;*
 - (b) *these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and*
 - (c) *where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.*
5. 1. *A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.*
2. *For the purposes of the condition set out in paragraph 1—*
- (a) *“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;*
 - (b) *“permitted price” is the price found by applying the formula —*

$$P = D + (D \times V)$$

where
 - (i) ***P** is the permitted price*

- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

For “OFF SALES ONLY” Add the following conds...

- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) 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 either—
 - (a) a holographic mark, or

(b) *an ultraviolet feature.*

5. 1. *A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.*

2. *For the purposes of the condition set out in paragraph 1—*

(a) *“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;*

(b) *“permitted price” is the price found by applying the formula —*

$$P = D + (D \times V)$$

where —

(i) *P is the permitted price*

(ii) *D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*

(iii) *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

(c) *“relevant person” means, in relation to premises in respect of which there is in force a premises licence*

(i) *the holder of the premises licence*

(ii) *the designated premises supervisor (if any) in respect of such a licence, or*

(iii) *the personal licence holder who makes or authorises a supply of alcohol under such a licence*

(d) *“relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and*

(e) *“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994*

3. *Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.*

4. (1) *Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.*

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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;~~

- e) ~~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 4~~

~~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.

Specials 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.~~

~~Specials 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 (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 **3**:

Licensing Contact Details

A printed version of the policy can be obtained from:

Licensing and Safety Team
Environment Health and Trading Standards
John Onslow House
1 Ewart Place
London E3 5EQ

~~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.

Appendix 4:

London Borough of Tower Hamlets

Insert Current Policy

Statement of Licensing Policy 5 Year Review – Proposed Changes

Section/Page	Addition/Deletion	Rationale
All	Amend all references to licensing authority: Licensing Authority	Licensing Authority should be in capital at start of each word.
Page 0	Add: Front page with LBTH Logo and “ <i>The London Borough of Tower Hamlets, STATEMENT OF LICENSING POLICY 2018 – 2023</i> ”	Current policy has now front page.
Page 2	Amend Para. 1: The Licensing Act 2003 available from “ http://www.legislation.gov.uk/ukpga/2003/17/contents or by telephoning +44 (0)333 202 507.” Amend Para. 2: Government Guidance under Section 182 of the Licensing Act 2003: available on the website “ https://www.gov.uk or by telephoning 020 7035 4848.” Amend Para. 3: Tower Hamlets guidance documents on making applications under the Licensing Act 2003 available from “ http://www.towerhamlets.gov.uk/licensing , or available from the Licensing Service on 020 7364 5008.” Amend Para. 8: “ You will Find ” ¶there is more detailed information about the four themes, and how they support One Tower Hamlets at: “ http://www.towerhamlets.gov.uk/ignl/community_and_living/community_plan/strategic_plan.aspx ”	Out of date information
Page 3 Para. 1.1	Delete first sentence of Para. and replace with: 1.1 “ <i>The London Borough of Tower Hamlets is the Licensing Authority under the</i>	Improve clarity.

	<p><i>Licensing Act 2003 (the Act). It is responsible for granting premises licences; club premises certificates; temporary events notices, in respect of the provision of licensable activities; and personal licences in the Borough.</i></p> <p><i>The term ‘Licensing Authority’ will be used in all future references to ‘the London Borough of Tower Hamlets’ in this Statement of Licensing Policy.</i></p> <p><i>All references to the Secretary of State’s Guidance relate the statutory guidance to the version published by the Home Office under s.182 of the Act on the 6th April 2017. A copy of this version is available at www.gov.uk.</i></p>	
Page 3	<p>Add second para – 1.2 and move and amend list from para 1.1 as below:</p> <p><i>1.2 This policy is intended to provide clarity to applicants, ‘other persons’ and ‘responsible authorities’ on how this Licensing Authority will determine applications for the following licensable activities:</i></p> <ul style="list-style-type: none"> <i>• Retail sale of alcohol</i> <i>• Supply of alcohol to club members</i> <i>• Provision of regulated entertainment (as defined in Schedule 1 of the Act)</i> <i>• Supply of hot food and / or drink between 23:00 and 05:00 hours”</i> 	Improve clarity.
Page 3 Para 2.1 and 2.2	<p>Delete paras and replace as below:</p> <p><i>“2.1 This ‘Statement of Licensing Policy’ was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State’s Guidance issued under Section 182 of the Act.”</i></p> <p><i>2.2“The 2003 Act requires that the Licensing Authority, after consultation, adopts and publishes a “Statement of Licensing Policy” that sets out the policies the Licensing</i></p>	Improve flow clarity on Licensing Authority’s application of the policy.

	<i>Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively.”</i>	
Page 3 Para. 3.1	<p>Delete para and replace as below:</p> <p><i>“Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are:</i></p> <ul style="list-style-type: none"> <i>• the Chief Officer of Police,</i> <i>• the Fire Authority,</i> <i>• representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough</i> <i>• such other persons considered to be representatives of business and residents in the area.</i> <p><i>The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.”</i></p>	Out of date and improve clarity and legal content
Page 3 Para. 3.2	Change “Council” for “ <i>Licensing Authority</i> ”, and after the word “organisations” add in “, <i>and other key stakeholders</i> ”.	Clarity and improvement
Page 3 Para. 3.3	Change “Council” for “ <i>Licensing Authority</i> ” and delete “ <i>by the Council</i> ” at the end of the para.	Clarity and improvement
Page 4 Para. 4.8	<p>Delete para and replace with:</p> <p><i>“Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are</i></p>	Improve wording to fit in with current Home Office Guidance definitions.

	<i>within the control of individual licensees.”</i>	
Page 5 Para. 4.9	Delete and replace with: <i>“In relation to all applications where the Licensing Authority’s discretion is engaged it will consider the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.”</i>	Better information and clarity
Page 5 Para. 4.11	Delete para.	This was new when policy reviewed. This is not the case now and Appendix 1 list all current Responsible Authorities.
Page 5 Para. 4.12	Delete para and replace with: <i>“If representations are made by a "responsible authority" or other persons the application will be determined the Licensing Sub-Committee. In making decisions on licence applications the Licensing Sub-Committee will have regard to the Act and relevant Regulations, the Secretary of State’s Guidance, and this Statement of Licensing Policy.”</i>	Improve clarity and update as per guidance/legislation (“other persons”).
Page 5 Para. 4.13	After the word “application” replace “must” with “will”. After the word conditions replace the word “or” with “and”.	Improve clarity. Correct wording.
Page 5 Para. 4.14	After the word “considering” delete “these conditions” and add:	Improve Clarity and consistency with

	<p><i>“the addition of conditions consistent with applicant’s operating schedule,”</i></p> <p>After “the Licensing Authority” add <i>“will ensure that such conditions are enforceable and proportionate.”</i></p> <p>Delete: “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.”</p>	Home Office Guidance
Page 6 Para. 4.19	<p>Delete “Consultation with local residents”, Add: <i>“Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents”</i></p> <p>Delete. “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”</p> <p>Add: <i>“This statutory consultation requires”</i></p> <p><i>After the word “advertisement”, Add: “of the application”</i></p> <p>After the word “premises” deleted “both done by the applicant”, Add: <i>“Failure to adhere to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period.”</i></p>	Improve clarity
Page 6 Para. 4.20	After the word “Authority”, delete “has determined”; Add: <i>“will”</i> and Delete: “to itself”.	Better clarification of Licensing Authority’s voluntary consultation.
Page 7 Para.	After the sentence ending in the word “businesses.”, Delete; “The scope of this	Incorrect and not

4.21	consultation will be decided by the Trading Standards and Licensing Service Manager”.	relevant.
Page 7 Para. 4.22	Delete para and replace with: <i>“In respect of paragraphs 4.20 and 4.21 above should the Licensing Authority, in the unlikely event, fail to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application. The Licensing Authority can only refuse or delay (restart the consultation period) where it receives an invalid application or where the applicant fails to comply with the statutory consultation.”</i>	Better clarification of Licensing Authority’s voluntary consultation.
Page 7 Para. 5.3	Capitalise the “a” of Authority. After the word “responsible” delete the word “authorities” and add the word “ <i>authority</i> ”.	Correct as per Home Office Guidance.
Page 8/9	Add these new paras. <i>“Home Office as a Responsible Authority</i> <i>From 6th April 2017 the provisions of Immigration Act 2016 which relate to Licensing became effective. These provisions amend the Licensing Act 2003 making the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State’s behalf. For contact details please see the list of Responsible Authorities in Appendix 1.</i> <i>When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it</i>	Addition in light of the Immigration Act 2016, which came into force on 6 th April 2017.

is concerned with the prevention of illegal working or immigration offences more broadly.

From 6th April 2017 Licensing Authorities will check the eligibility to work for those applying for personal licences and premises licences for the sale of alcohol and late night refreshment (hot food or drink between 23:00 and 05:00 hours).

This does not apply to the licensable activity of Regulated Entertainment ONLY or Club premises certificate and temporary event notices (TEN). However, they will commit a criminal offence if they work illegally.

Those applying for a personal or premises licence (for sale of alcohol/provision of late night refreshment) must be able to satisfy the Licensing Authority that they have permission to be in the United Kingdom (UK), and are entitled to undertake work relating to the carrying on of a licensable activity. Essentially this means that licence cannot be granted to disqualified persons who are:

- Unlawfully present in the UK,*
- Not permitted to work in the UK,*
- Permitted to work, but not in this licensable activity.*

Applications from disqualified persons above will be classed as invalid and will be rejected.

The application for personal and premises licences must submit one of the documents listed in Annex A of the Secretary of State's Guidance with their application, to show that they have permission to be in the UK and to undertake work in a licensable activity. Applicants may provide photocopies or scanned copies of the documents, which do not need to be endorsed as a copy of the original. Applicants are not required

	<p><i>to submit original copies of documents.</i></p> <p><i>Where an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.</i></p> <p><i>A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder’s permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder’s permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.</i></p> <p><i>The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:</i></p> <ul style="list-style-type: none"> <i>• An enforcement operation or data sharing that identifies a relevant offence,</i> <i>• The issue of a civil penalty for employing illegal workers,</i> <i>• The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.”</i> 	
Para Number Change	Change Para numbers to 7 from this point.	Insertion of Immigration section above.
Page 8/9 Para 6.2	<p>Between the words “crime and disorder” and “objective”, add “<i>licensing</i>”.</p> <p>The sentence starting with “Where”, after this word Delete: “Crime Prevention Officer”</p> <p>After the word “Police” Add “, <i>acting as a responsible authority</i>”</p>	Improve clarity and update.

	<p>After the word “recommendations” Add: “<i>in respect of an application</i>” the Delete: “for premises that relate”. Following this Add: “<i>relating</i>”</p> <p>After the word “objectives” Add: “<i>the Licensing Authority would expect the applicant to incorporate these into their</i>”.</p>	
Page 9 Para. 6.4	At end of sentence Add: “ <i>and to share prescribed information</i> ”	
Page 9 Para. 6.5	Delete “Section 182 of the Licensing Act 200 (See Appendix 2.)” and replace with “ <i>the Secretary of State’s Guidance</i> ”.	Update to correspond with earlier changes and improve clarity
Page 9 Para. 6.7	<p>Delete paragraph and replace with the below, keeping subparagraphs 1) and 2):</p> <p><i>Touting</i> – <i>This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.</i></p> <p><i>As a result, in relation to premises where there is intelligence that touting is, or has been carry out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits ‘touting’ as follows:-“</i></p>	Change to correct to current data.
Page 10 Paras 6.8 and 6.9	<p>Delete paragraph 6.8 and replace with:</p> <p><i>Street Furniture</i> – <i>placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to</i></p>	Improve flow.

	<p><i>authorisation of obstructions on the highway, and that the required authorisation are obtain prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.”</i></p> <p>Move paragraph 6.8 and 6.9 to page 16 below paragraph 10.3 (Prevention of Public Nuisance section).</p>	These are related to this section and not Crime and Disorder.
Page 10 Para. 6.10	<p>After the words “Portman Group” Add: “<i>Code of Practice</i>”.</p> <p>Second paragraph after the words “from the” Delete: “Licensing Act 2003, Section 182 Guidance are”, Add: “<i>the Secretary of State’s Guidance</i>”.</p>	Update Correction to correspond to earlier changes
Page 10 Para. 6.11	<p>Delete paragraph and replace with below:</p> <p><i>“Criminal Activity</i> - <i>There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:</i></p> <ul style="list-style-type: none"> • <i>for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;</i> • <i>for the sale and distribution of illegal firearms;</i> • <i>for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;</i> • <i>for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;</i> • <i>for prostitution or the sale of unlawful pornography;</i> • <i>by organised groups of paedophiles to groom children;</i> • <i>as the base for the organisation of criminal activity, particularly by gangs;</i> 	More consistent with Home Office Guidance.

	<ul style="list-style-type: none"> • for the organisation of racist activity or the promotion of racist attacks; • for employing a person who is disqualified from that work by reason of their immigration status in the UK; • for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol. <p>The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered."</p>	
Page 10 Paras. 6.12, 6.13, and 6.14	Delete paragraphs.	Not consistent and in keeping with Home Office Guidance.
Page 10 Para. 6.15	Delete: "advice provided in the guidance issued by the Home Office under section 182 of the Act" Add: "Secretary of State's Guidance".	Consistency with other policy amendments.
Page 11 Para. 6.16 (1)	At the end of the sentence after the word "delivery" Add: "to provide traceability". Add second new Para: "From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This	Clarity on the reasons. Reflect changes to legislation

	<p><i>is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a ‘trade buyer’) does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs.”</i></p>	
Page 11 New Paras.	<p>After Para on Smuggled goods, Add:</p> <p><i>“6.17 Olympic Park – Football Ground</i></p> <p><i>6.18 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:</i></p> <p><i>1)On Match Days for premises licensed for the supply of alcohol for consumption on the premises:</i></p> <p><i>a. Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer,</i></p> <p><i>b. Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).”</i></p>	Updated to take account of West Ham United having Olympic Park as Home Ground.
All	<p><u>Replace all</u> “interested party” with “other persons”</p>	Up to date term of reference as per Home Office Guidance and

		legislation amendments
Page 12, Para 7.3	After the word "one" Add: " <i>or more</i> ".	Correct terms as per Act and Guidance.
Page 13, Para 8.1	After the word "Council Add " <i>and came into effect on 1st November 2013</i> "	Update.
Page 13/14	After Para 8.3 Add below Para and amend paragraph accordingly: <i>"Following consultation in 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to Licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough."</i>	Updated following CIZ consultation in 2018 on keeping the CIZ.
All pages/paras	Change all Para Numbers as per the insert of above.	Flow
Page 14, Para 8.4	After the word "refuse" Add: " <i>by the Licensing Sub-Committee</i> "	To clarify ambiguity that officers can refuse.
Page 12,	After the words "undermine one" Add: " <i>or more</i> "	Correct terms in

Para 7.3		keeping with Home Office Guidance, this can relate to one or more of the Licensing Objectives.
Page 13, Para 8.1	After word "Council" at the end of the paragraph, Add: " <i>and came into effect on the 1st of November 2013</i> "	Needs to be included as the CIZ was not effective until this date.
Page 14, Para 8.4	At the end of the second sentence after the word "refused" Add: " <i>by the Licensing Su-Committee</i> "	Correct term in line with correct procedure in law.
Page 14, Para 8.5	Delete "Figure One"	No reference given in police to meaning of figure one.
Page 15	Replace Map with new CIZ Map with expansion proposed.	Take note of consultation into review and expansion of CIZ.
Pages 12 to 15 Sections 7 and 8	Move both Sections below "Integrating Strategy and Avoiding Duplication" section (currently action 17) and amend Sections accordingly.	Improve and clarity
Page 15 Section 9 Public Safety	This now becomes section 7 and all sections beyond this increase accordingly.	Take note of move of Sections 7 and 8.
Page 16, para 9.4	After the word "attaching" Add " <i>proportionate and appropriate</i> ". After the words "Conditions drawn from" Delete: "a" and Add: " <i>the</i> ".	Clarity and flow more in line with Home Office Guidance and better not to include

	After the words "Pool of Conditions" Delete: "as proportionate and appropriate are contained in Appendix 2" and Add: " <i>found in the Secretary of States Guidance</i> "	Home Office Pool conditions as Appendix but refer to Home Office website as these could change in the course of 5 years.
Page 16 para 10	Add the word " <i>Public</i> " before the word "Nuisance"	Correction to be consistent with guidance/legislation.
Page 16 para 10.3	After word "Identified on 3 rd line Delete "8.2" and Add: " <i>Section 19 of this Policy (Special Cumulative Impact Policy for Brick Lane Area)</i> " After the word "Conditions" last line Add: " <i>found in the Secretary of States Guidance</i> "	Changes in light of the move of the CIZ section Change to reflect removal of Home Office modal conditions as an appendix.
Page 16	Add new paragraphs as per below: " 10.3. Street Furniture – <i>placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private</i>	Additional paragraphs to take account of these issues.

	<p><i>land.</i></p> <p>10.4. Fly Posting - <i>The Council has experienced 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 proportionate and 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.</i></p>	
Page 16 Para. 11.3	At the end of the sentence after the word "appropriate" Add: <i>"(see appendix 1 – List of Responsible Authorities).</i>	Identifies Responsible Authority.
Page 16/17 Para. 11.4	First bullet point after the word "convictions" Add: <i>", Fixed Penalty Notices (FPNs) or formal cautions".</i>	Fixed Penalty Notices and formal cautions should be considered as these are enforcement actions.
Page 18 Para. 11.8	End of the sentence after the word "Bulletin" Add: <i>"by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale".</i>	Provide clarity for the reasoning of the para.
Page 18 Para. 11.9	End of the sentence after the word "harm" Add new sentence: <i>"This will require operating plans to specify these measures and management controls. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff."</i>	Improve policy to make more robust in terms of what is expected in terms of protection of children from harm.

Page 18	<p>After Para. 11.9 add following paragraphs:</p> <p><i>“11.10. The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.</i></p> <p><i>11.11. Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place.</i></p> <p><i>11.12. Training should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.”</i></p>	Firm up the Licensing Authority’s approach to protection of children in line with Corporate Strategy.
Page 19 para. 13.2	Delete “11.1” and Add: 12.1	Take account of movement of sections as per above.
Page 19 Paras. 14.1 to 14.3	Change Font to Ariel size 12.	Correct to same Font and size as rest of Policy Document.
Page 20 Para. 15.1	<p>After “This Part of the” Add the word “<i>Policy</i>”.</p> <p>After the sentence ending in “framework hours” Delete “It only has any application when the”, and Add “<i>This only applies where the Licensing Authority’s</i>”. Then Delete “of the local authority”.</p>	Improve flow and clarity

Page 20 Para. 15.4	Add “(30 minutes)” after the word “hours” (last line).	Clarity.
Page 24 Para. 17.9	Delete Website link and Add: “ http://www.towerhamlets.gov.uk/ignl/environment_and_planning/planning/Planning.asp <u>x</u> ”	Correct website address.
Page 24 Paras. 17.11 to 17.18	Delete these paragraphs.	Late Night Levy in consultation and proposed to be adopted on 1 st January 2018 and new Policy will have relevant section on this power. These paras are therefore redundant.
Page 26, before Section 18	Before Section 18 (this will change in number due to changes above) “Sexual Entertainment” Add: new section relating to the introduction of the Late Night Levy: <i>“Late Night Levy</i> <i>Following formal consultation in 2017 the Council introduced a Late Night Levy within the borough on 1st January 2018, with the levied hours being midnight to 6am (00:00 to 06:00 hours). The levy is a discretionary power, which this Council has adopted.</i> <i>The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in the following legislation:</i> <ul style="list-style-type: none"> • <i>Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2</i> • <i>The Late Night Levy (Application and Administration) Regulations 2012</i> 	Late Night Levy to be adopted by Full Council and introduced on 1 st January 2018, subject to consultation.

- *The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.*

The purpose of the levy is to assist local authorities and the police to manage and improve the night time economy. The money raised by the levy can be used for a range of activities and can be given to other agencies where they can assist in the reduction of crime and disorder, promotion of public safety, reduction or prevention of public nuisance, and cleaning of highways or land in the Borough.

The Late Night Levy will be applied in accordance with the this Policy, having regards for the governing legislation and Home Office Guidance issued on 24th March 2015 in relation to the Late Night Levy (or any subsequent guidance).

From 1st January 2018 holders of premises licences or club premises certificates that are authorised by their licence for the sale/supply of alcohol (on and/or off sales) between the levied hours (00:00 to 06:00 hours). This will apply whether the hours detailed in such licences for the sale/supply of alcohol are used or not.

For example where a licence permits the sale/supply of alcohol until 02:00 hours (i.e. within the levied hours), however the premises closes regularly at 23:30 hours they will still be liable to pay the levy unless eligible for an exemption, see list of exemptions below.

The amount of the levy is set by the UK Government and is a yearly amount between £299 and £4,440 depending on the rateable value of the premises and the their actual use. See table below:

<i>Rateable</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>D x 2</i>	<i>E x 3</i>
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Value Bands (based on the existing fee bands)	No rateable value to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above	Multiplier applies to premises in category D that primarily or exclusively sell alcohol	Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

The Licensing Authority will collect the levy from those premises liable to pay it at the same time as the Premises Licence or Club Premises Certificate annual fee.

Failure to pay the levy will result in suspension of Licence/Certificate until the levy has been paid, and any outstanding money owed can be recovered as a civil deb.

Exemptions from the Levy

The following permitted categories of premises are exempt from paying the levy

a) Premises with overnight accommodation;

this exemption does not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight,

b) Theatres and cinemas;

this exemption only applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production, or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose,

	<p>c) <i>Bingo Halls;</i></p> <p><i>these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity,</i></p> <p>d) <i>Community Amateur Sports Clubs;</i></p> <p><i>these must be clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions including relief from business rates,</i></p> <p>e) <i>Community premises;</i></p> <p><i>these must be premises that form part of the church hall, chapel hall, village hall, parish hall, community hall or other similar buildings,</i></p> <p>f) <i>New Year's Eve Premises only,</i></p> <p><i>this relates to premises which are authorised to sell alcohol between midnight and 6am, ONLY applies on New Year's Day.</i></p> <p><i>No exemptions will be granted for the following:</i></p> <p>a) <i>Country Village Pubs – this has been decided because it is not relevant to a London Borough such as Tower Hamlets as the definition is pubs that are solely designated in rural settlements with a population less than 3000.</i></p> <p>b) <i>Business Improvement Districts (BIDs) - BIDs are district led partnerships created through ballots process via businesses within the district and operate via a levy charge. There are currently none within the borough.</i></p>	
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	<p><i>Reductions</i></p> <p><i>A 30% reduction of the levy will be given to premises who have achieved accreditation in Best Bar None (BBN) Scheme.</i></p> <p><i>No reduction will be given to premises subject to small business rates relief. This has been decided because these premises receive business rates relief to assist in their viability; however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Furthermore due to their rateable value, they are more likely to be liable to the lower levy amounts.</i></p> <p><i>Temporary Event Notices (TENs)</i></p> <p><i>The levy does not apply to Temporary Event Notifications (TENs)."</i></p>	
Page 26 Section 18	<p>Delete 1st paragraph and Add:</p> <p><i>"18.1. The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4."</i></p> <p>Deleted All other paragraphs in this section (paras 18.1 to 18.9).</p>	All text out-of-date as new legislation has been adopted and an SEV Policy Created. This section is therefore duplication and out of date.
Page 26/27 Section 18	Move Section to sit under Section on Late Night Levy	Flow.
Page 28 between Paras 19.4	<p>Insert new paragraph and change numbering accordingly:</p> <p><i>" Following this Policy the Steps that can be taken by the Licensing Authority Council</i></p>	Moved from Review Process as flows better here.

and 19.5	<p><i>include can take the following action:</i></p> <ul style="list-style-type: none"> <i>a. Taking no action;</i> <i>b. Issuing an informal warning;</i> <i>c. Recommending improvements within a particular time;</i> <i>d. Monitoring by regular inspection and invite to seek a further review if problems persist;</i> <i>e. Investigate breaches of legislation and refer matters to the Council’s Legal Department for consideration for prosecution.”</i> 	
Page 28 Para. 19.8	After end of 1 st sentence Add: <i>“The Secretary of State’s Guidance contains”</i> then reduce caps on “A” to reduce to “a”, then after conditions Delete: <i>is included in the appendix.</i>	Correct to new information above and Home Office Guidance.
Page 28/29 Section 19 Enforcement	More Enforcement Section to site above Review Process.	Better flow
Page 29	<p>Before: “20 Live Music, Dancing and Theatre” Add:</p> <p>“Late Night Refreshments and Deregulation Act 2015</p> <p><i>Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from</i></p>	

	<p><i>the requirement to have a licence to provide late night refreshment. Licensing authorities can choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises.</i></p> <p><i>The Licensing Authority can only exempt types of premises set out in the regulations. These are:</i></p> <ul style="list-style-type: none"> • <i>Motorway service areas;</i> • <i>petrol stations;</i> • <i>local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;</i> • <i>schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;</i> • <i>hospitals (except domestic premises);</i> • <i>community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;</i> • <i>licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.</i> <p><i>This Licensing Authority has decided it is not appropriate for the reasons of promotion of the licensing objectives to use the exemptions, and it requires all late night refreshment providers to be licensed.”</i></p>	
Page 29 Para. 20.5	<p>Add full stop after “venues” and Add: “<i>This is</i>” before the word “subject”.</p> <p>Delete “relating to” and Add: “<i>where the</i>”, after the word “premises”, then add: “<i>are</i>”.</p>	Improve flow and clarity.
Page 29 Para. 20.6	<p>Add full stop after “premises” and Add “<i>This is</i>”.</p>	Improve flow.

Page 31 Para 21.1	<p>Delete: "(for less than 500 people at a time and lasting for no longer than 96 hours)".</p> <p>At the end of the 1st sentence Add: "<i>However advanced notice of at least ten full working days' notice must be given to the Licensing Authority and the Metropolitan Police (please see paragraph 22.4 and 22.5 below for this Licensing Authority's required notice period).</i>"</p>	Update to take account of legislation/guidance changes and improve flow and clarity.
Page 31 Paras. 22.2 to 22.5	<p>Delete Paragraphs 22.2 to 22.5 and Replace with:</p> <p><i>"Temporary Event Notices (TENs) authorise "one-off" licensable activities on a premises without the need for a premises licence or club premises certificate. TENs are not a Licence but a notification to the Licensing Authority, Police and Environmental Health of the intention to carry out Licensable activities. There are certain restrictions relating to TENs set out in the Act:</i></p> <ul style="list-style-type: none"> <i>a) the number of times a person (the "premises user") may give a TEN (these figures are inclusive of Late TENs):</i> <ul style="list-style-type: none"> <i>- 50 times per calendar year for a personal licence holder,</i> <i>- 5 times per calendar year for other people (non personal licence holders);</i> <i>b) the number of times a TEN may be given for individual premises is 15 times in a calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;</i> <i>c) the length of time a temporary event may last is 168 hours (this relates to the licensable activities only);</i> <i>d) the scale of the event in terms of the maximum number of people attending at any</i> 	Update to take account of legislation/guidance changes and improve flow and clarity.

one time can be no more than 499 (including staff/volunteers etc. running the event).

Where events are planned outside the limits above, an application must be made for a limited duration Premises Licence.

Paragraph 7.11 of the Secretary of State's Guidance states "Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them"

In accordance with this section of the Guidance, this Licensing Authority expects event organisers' to give at least 28 days' notice of a temporary event, and that the event has been discussed with Metropolitan Police before submission. This will ensure that full detailed discussion can take place between the organiser and any other interested parties in order to ensure promotion of the 4 licencing objectives. The maximum timescale this Licensing Authority will accept a TEN in advance of an event is 3 months."

- i. Organisers of outdoor events are strongly advised to contact the Council's Arts and Events section, Environmental Health and Health and Safety as well as the emergency services for advice.*
- ii. With regards to giving notice to the relevant authority, as the term "give" used in section 100 of Licensing Act 2003 is not defined, the Licensing Authority considers this to mean the date on which the TEN is received by the Licensing Authority and not the date on which it was sent. Applicants are therefore advised to hand deliver notices if time is short, as late notices will not be accepted under*

any circumstances.

Applications for TENs must be made using the prescribed form. Applications must be given to the Licensing Authority and the Metropolitan Police in duplicate.

It should be noted that the Metropolitan Police and the Council's Environmental Health Notice Service are the only bodies who may make representations to a TEN. However, these two bodies may object to a TEN on grounds that any of the licensing objectives would not be promoted should the event go ahead. Where objections are received the matter will be put before the Licensing Authority's Licensing Sub-Committee. The Licensing Sub-Committee may:

- i. Allow the TEN to go ahead*
- ii. Reject the TEN*

The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 22.2 (b-d) above and the below limitations referred to below in relation to the number of times a person (the "premises user") may give a Late TEN, which is:

- a) 10 times per calendar year for a personal licence holder,*
- b) times per calendar year for other people (non personal licence holders).*

*These "Late TENs" can be submitted to the Licensing Authority, Metropolitan Police and the Council's Environmental Health Noise Section between 5 and 9 days clear working days before the event, this does not include the day of receipt of the TEN or the day of the proposed event. It should be noted that if either the Police or the Council's Noise and Nuisance team lodges an objection to a Late TEN the event will **not** go ahead.*

	<i>The Licensing authority, with other partners, will provide advice where appropriate to help 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.”</i>	
Page 32 Para. 22.7	Delete Para, and replace with: <i>“TENs received that relate to premises within the Cumulative Impact Zone may be received objections from the Police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the Cumulative Impact Zone (CIZ). Therefore persons giving TENs within this Zone should have regard for the Cumulative Impact Policy detailed above and the Secretary State’s Guidance relating to Cumulative Impact. The reason for the CIZ is to reduce crime and disorder, and nuisance from a concentration of licensed premises.”</i>	Better explanation on TENs in CIZ area..
Page 32 Para. 22.8	Delete paragraph	Already covered in inserted paras.
Page 32	As covered above insert Enforcement Section (previously section 19 now Section 23) above Review Process Section.	Flow
Page 32 Para. 23.1	Delete “Police, Fire Authority”, Replace with “ <i>responsible authorities</i> ”.	Responsible authorities includes more than just Police and Fire Authority.
Page 32 Paras. 23.2 and 23.3	Delete “Licensing” and “2003”	Improve flow of policy.
Page 32 Para. 23.5	Delete “London Borough of Tower Hamlets”, Add “ <i>Council</i> ”	Flow as mentioned at above.

Page 32 Para. 22.7	After “crime” Replace full stop with comma, and drop the caps on “Disorder”. Add capital P for police. Change to Para. 22.12 as per insertion of above paras.	Punctuation and grammar.
Page 32 Para. 22.8	Delete Paragraph	Not needed covered in above paras.
Page 32 Para. 23.5	Delete “London Borough of Tower Hamlets” and replace with “ <i>Council</i> ”	Improve flow of policy.
Page 33 Para. 23.7	Delete “contained” and Add “ <i>described in Part 8 of the Act (for example, closure orders), then Delete</i> ” in legislation and Add a comma.	Corrected to mirror Home Office Guidance
Page 33 Para. 23.8	Delete “The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:”, Add: “ <i>Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps.</i> ” Subparagraph a. Delete “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)”, Add: “ <i>Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).</i> ” Subparagraphs b. c. d. and e. Change initial word to “ <i>Exclude, Remove, Suspend, Revoke</i> ” respectively. After subparagraph e Then Delete “ Steps that can be taken by ” Add: “ <i>Following this Policy</i> ”, Delete: “ Council include ”, Add “ <i>Licensing Authority can take the following action:</i> After Subparagraph d. Add another subparagraph: “ <i>Investigate breaches of legislation and refer matters to the Council’s Legal</i> ”	Corrected to mirror Home Office Guidance and Council’s Enforcement Policy.

	<p><i>Department for consideration for prosecution.”</i></p> <p>Move this new paragraph to sit under Enforcement Section Paragraph 19.4 as a new Paragraph 19.5</p>	
Page 34 Para. 23.10	<p>Delete “Licence Suspension”, “<i>Add Non Payment of Licence Fee</i>”.</p> <p>Delete “This is a power brought as part of the”, Add “<i>In accordance with the</i>” then Delete “brought about by”, Replace full stop with comma and Drop Caps on “The”.</p>	Better clarity with Home Office Guidance
Page 34 Para. 23.11	<p>Delete “regulation”, Add legislation,</p> <p>After the word “days” Add “notice that the licence will be suspended,”</p> <p>Delete “Place (end of sentence) and Add “<i>effect</i>”.</p>	Better clarity with Home Office Guidance
Page 34 Para. 23.12	<p>Add “<i>It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send</i>”. Drop Caps on “A”.</p> <p>After the word “payment”, Add: “<i>to the licence holder giving 28 days from the date of the letter to make the required payment</i>”. Delete “will be sent and the Licensing Authority will then take”.</p> <p>After “If” Add: “<i>no</i>”, after “payment is” Add “<i>received the Licensing Authority will take</i>”. Delete “if payment is not received within 28 days”.</p>	Improvement and clarity.
Page 34 Para. 23.13	<p>Before “Income” Add “<i>Following the action to suspend the licence</i>”, and drop caps on “Income” to say “<i>income</i>”. After “payment” Add: “<i>is received</i>”.</p>	Clarity.
Page 32 Para	<p>Before the Word “Under” Add “<i>There are proceedings</i>” and drop the caps on “Under”</p>	Clarity

23.3		
Page 34 Paras 23.10 to 23.13	Move to sit under at end of “Enforcement” Section.	Improve flow.
Page 34 Para. 24.1	After “licensing authority and” Add “ <i>surrendered the licence or</i> ”.	Clarity.
Page 34 Para. 25.2	At end of sentence Add: “ <i>The Licensing Authority will also refer such practices to other authorities, where appropriate.</i> ”.	Such matters relating to discrimination etc. may require us to report it to other authorities.
Page 35 Para. 28.3	After “The” Add “ <i>following</i> ”, Delete “on the following page”.	Improve flow.
Page 36 Para. 28.4	Delete: “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.”	Not relevant.
Page 37 Para. 28.6	After “Licensing function” Add “ <i>and</i> ”. After appropriate Add “ <i>written</i> ”	Clarity.
Page 37 Para. 28.7	Between the words “Licensing” and “Team” Add “ <i>Safety</i> ”.	Update.
Page 38 Appendix 1	Change to new List of Responsible Authorities.	Update.
Page 41 Appendix 2	<p>Replace with current conditions:</p> <p>Mandatory conditions</p> <p>No supply of alcohol may be made under the premises licence-</p> <p>a) at a time where there is no designated premises supervisor in respect of the premises</p>	Update

	<p>licence, or</p> <p>b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended</p> <p><i>For “ON and OFF SALES” and “ON SALES ONLY”: Add conds 1-5</i></p> <p>1.</p> <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises</p> <p>(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;</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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 in a manner which carries a significant risk of undermining a licensing objective</p> <p>(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 in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers</p>	
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	<p>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;</p> <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)</p> <p>2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</p> <p>3.</p> <p>(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy</p> <p>(3) 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 either—</p> <p>(a) a holographic mark, or</p> <p>(b) an ultraviolet feature.</p> <p>4. The responsible person must ensure that—</p> <p>(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—</p> <p>(i) beer or cider: ½ pint</p> <p>(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and</p>	
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	<p>(iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p> <p>5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula — $P = D + (D \times V)$ where —</p> <p>(i) P is the permitted price</p> <p>(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and</p> <p>(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence</p> <p>(i) the holder of the premises licence</p> <p>(ii) the designated premises supervisor (if any) in respect of such a</p>	
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	<p>licence, or</p> <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994</p> <p>3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax</p> <p>(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day</p> <p><i>For “OFF SALES ONLY” Add the following conds...</i></p> <p>3.</p> <p>(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p>	
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	<p>(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy</p> <p>(3) 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 either—</p> <p>(a) a holographic mark, or</p> <p>(b) an ultraviolet feature.</p> <p>5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula —</p> $P = D + (D \times V)$ <p>where —</p> <p>(i) P is the permitted price</p> <p>(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and</p> <p>(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in</p>	
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	<p>force a premises licence</p> <ul style="list-style-type: none"> (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994</p> <p>3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax</p> <p>(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day</p>	
<p>Page 43 Appendix 3</p>	<p>Delete and refer to Home Office Guidance where this appendices is mentioned in the Policy. Change all references within the policy to refer to Secretary of States Guidance (i.e. Home Office Guidance).</p>	<p>Update and removes the need to update if guidance is updated.</p>

Page 73 Appendix 4	Replace Address with: Licensing and Safety Team John Onslow House, 1 Ewart Place, London E3 5EQ Change to Appendix 3	Update.
New Appendix	Add Appendix 4: Sexual Entertainment Venue Policy. Insert Policy	Update.

SEV Policy – Proposed Changes for consultation:

Section/Page	Addition/Deletion	Rationale
Introduction	<u>Add</u> : 'New applications'.	The policy is not to refuse all applications (which would include renewals), rather just new premises.

Police Considerations – Existing Licensed Premises	<u>Add</u> : ‘or sex cinemas’	Update names and addresses of current SEVs.	
	<u>Delete/Amend</u> : The names of some of the existing SEVs have changed; other premises have closed, or did not apply for an SEV licence when the new regime came in. The current SEVs are:		
	1. Nags Head Public House		17-19 Whitechapel Road, E1 1DU
	2. Metropolis		234 Cambridge Heath Road, E2 9NN
	3. The White Swan/Majingos		556 Commercial Road, E14 7JD
	4. Flamingos		30 Alie Street, E1 8DA
	5. Whites Gentleman’s Club	32-38 Leman Street, E1 8EW	
	<u>Add</u> : ‘to a paying audience’	More accurate reference to the legislation	
Limits on the number of licensed premises	<u>Amend</u> : ‘The Council has adopted a policy to limit the number of SEVs.’ <u>Amend</u> : ‘Have already been trading’	Tense change	
Premises Appearance and Layout	<u>Add</u> : ‘and public areas of the premises, excluding the toilets’	In line with inspections	
Making a new, renewal, transfer or variation application	<u>Add</u> : ‘An Applicant for the grant, renewal or transfer of a licence shall, not later than 7 days after the date of the application, send a copy of the application to the Chief Officer of Police.’ <u>Add</u> : ‘Local residents will not be consulted upon a renewal application.’ <u>Amend</u> : and indicate whether they consent to have their name and address revealed to the applicant ‘however, names and addresses will not be provided to the Applicant.’	In line with renewal legislation of Misc. Prov.	
Determining an	<u>Remove</u> : Applications with no representations will be approved under	Licensing Officers do not have	

<p>application</p>	<p>delegated authority to officers. <u>Add</u>: All applications will be considered by the Licensing Committee, whether or not representations are received. <u>Remove</u>: Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.</p> <p>All other contested applications will be referred to the Licensing Committee for determination.</p>	<p>delegated authority to grant unopposed applications. All applications must be referred to the Licensing Committee for consideration and for the addition of any potential additional conditions.</p>
<p>Transitional Arrangements / Existing Operators / Appointed Days</p>	<p><u>Remove</u>: Transitional Arrangements Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.</p> <p>The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day.'</p> <p>Existing Operators To allow time to comply with the new regime, existing operators, who,</p>	<p>This whole section can be removed. The transition period and associated appointed days applied to a specific period of time during which the new legislation was adopted and applied. This period has now expired and will not be repeated.</p>

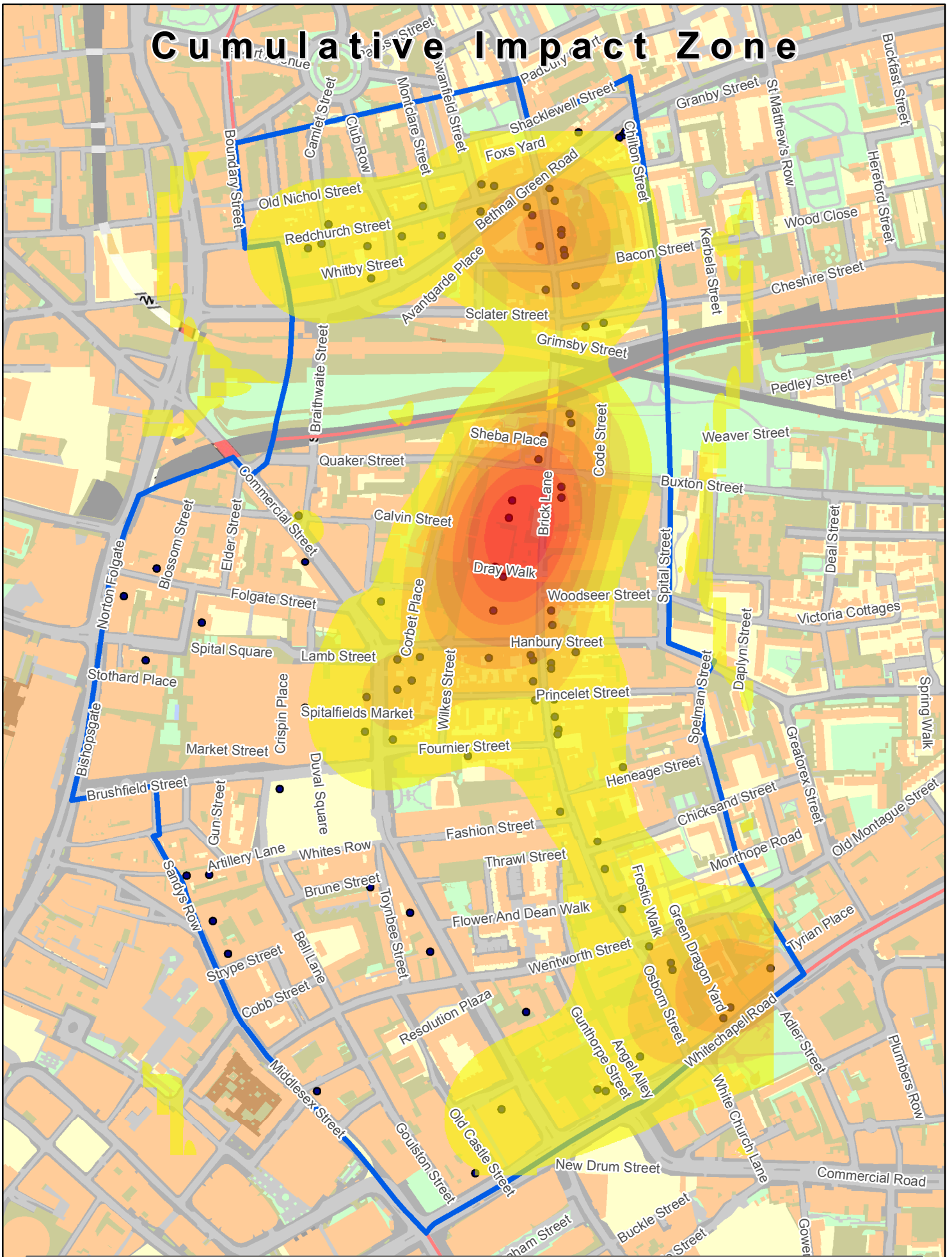
	<p>immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.</p> <p>For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.</p> <p>“Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003</p> <p>Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.</p> <p>For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.</p>	
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	<p>Appointed Days</p> <p>1st Appointed Day The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1st June 2014)</p> <p>2nd Appointed Day The day 6 months after the 1st appointed day (1st December 2014)</p> <p>3rd Appointed Day The day 6 months after the 2nd appointed day and the end of the transitional period (1st June 2015)</p>	
New applications	<u>Remove:</u> 'after the 1 st appointed day' x 2	The transition period and associated appointed days applied to a specific period of time during which the new legislation was adopted and applied. This period has now expired and will not be repeated.
Determining Applications Received on or before the 2^{ns} Appointed Day / Determining Application received on or Before the 2nd Appointed Day /	<p><u>Remove:</u> Determining Applications Received On or Before the 2nd Appointed Day Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.</p> <p>As the Council is able to refuse applications having regard to the number of sex establishment they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their</p>	This whole section can be removed. The transition period and associated appointed days applied to a specific period of time during which the new legislation was adopted and applied. This period has now expired and will not be repeated.

<p>Determining Applications Received after the 2nd Appointed Day / Outstanding Applications</p>	<p>application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.</p> <p>No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.</p> <p>Determining Applications Received After the 2nd Appointed Day Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.</p> <p>As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.</p> <p>Outstanding Applications The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.</p>	
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	<p>Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants.</p>	
<p>Additional information and advice</p>	<p>Replace address: Licensing and Safety Team Environment Health and Trading Standards John Onslow House 1 Ewart Place London E3 5EQ</p>	<p>Update.</p>

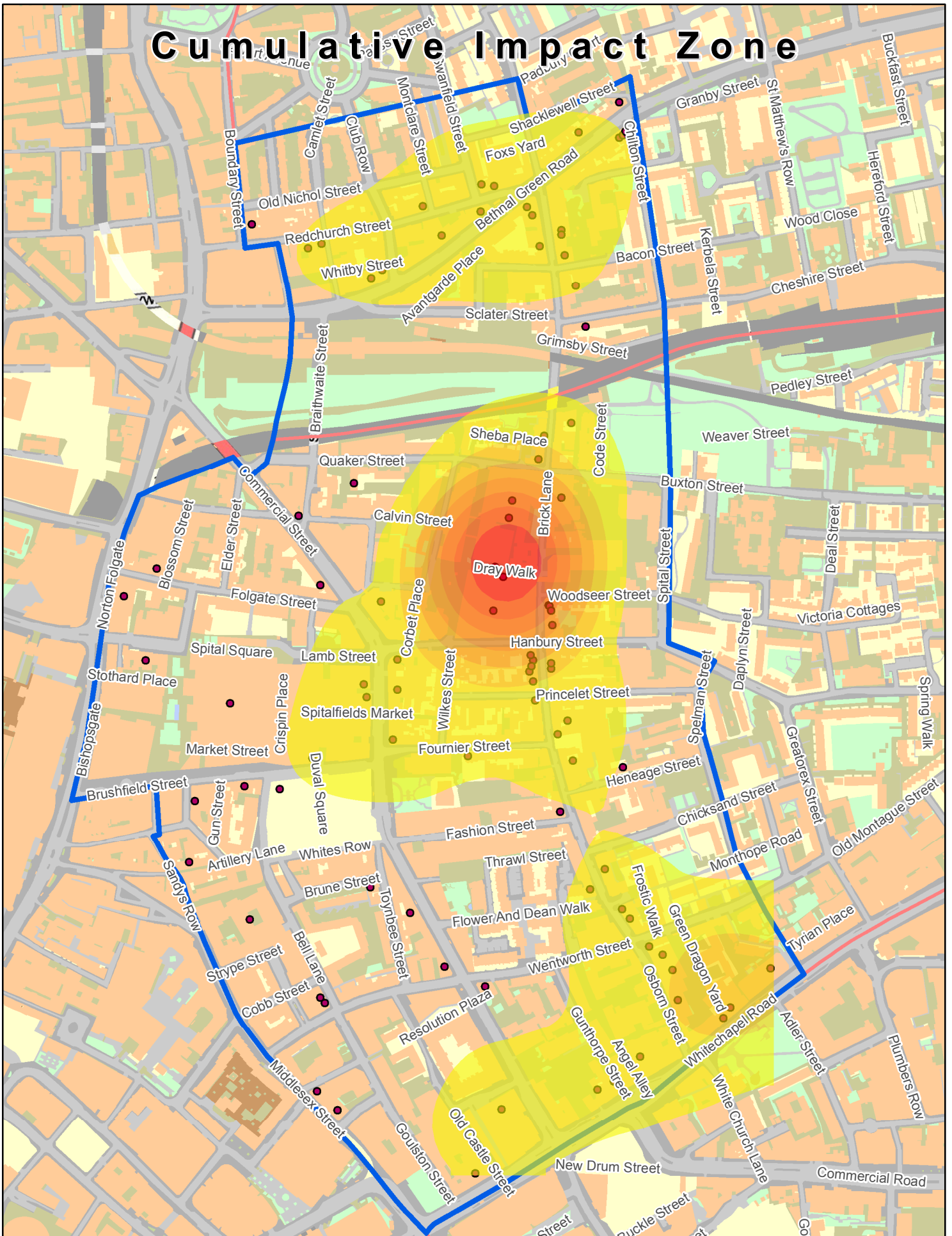
Cumulative Impact Zone



Between January 2012 to December 2012 the Police received 510 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, dog fouling, anti-social behaviour etc

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Cumulative Impact Zone

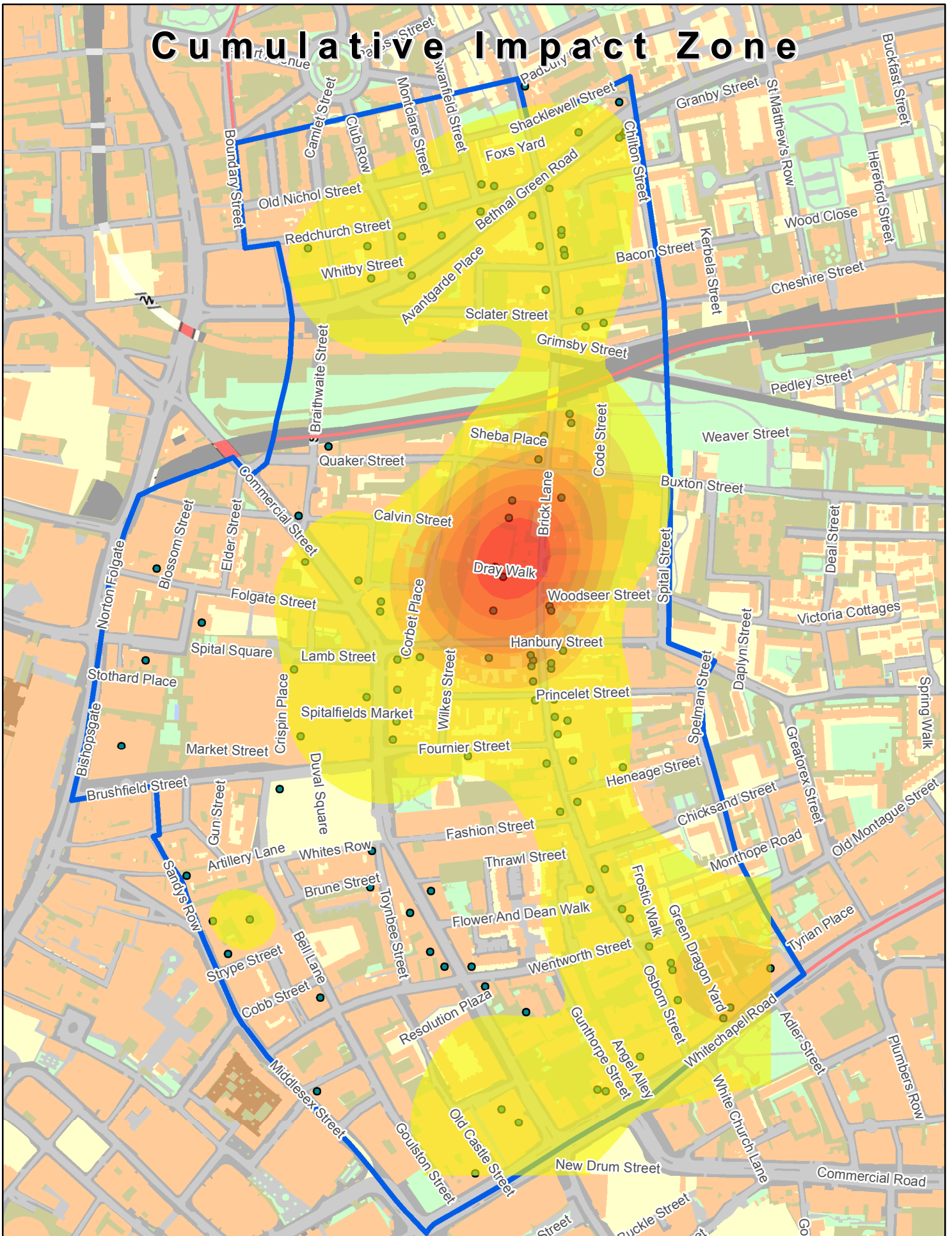


Between January 2013 to December 2013 the Police received 591 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2013 there was an increase of 81 incidents compared to 2012.

The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

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Cumulative Impact Zone

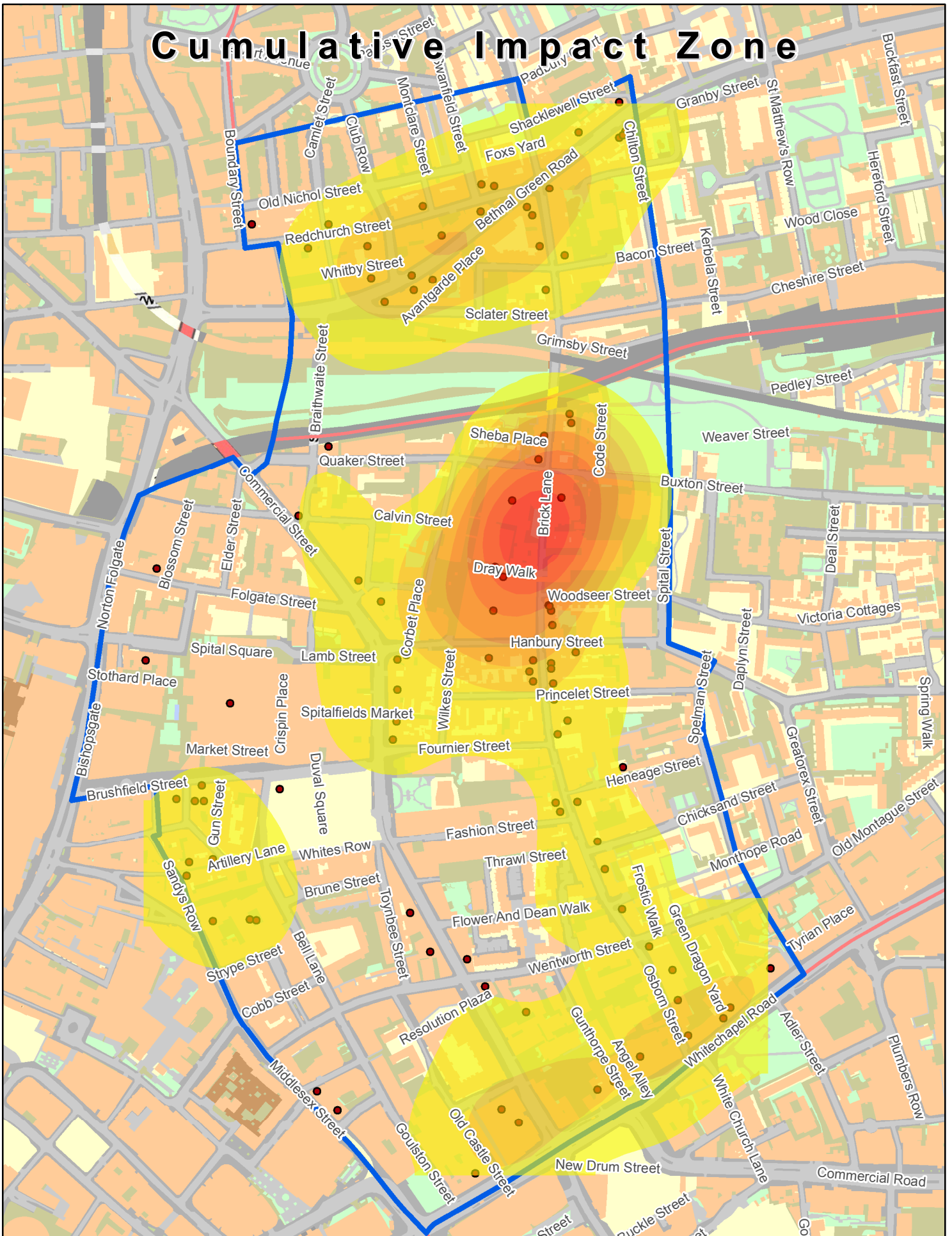


Between January 2014 to December 2014 the Police received 786 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2014 there was an increase of 195 incidents compared to 2013.

The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

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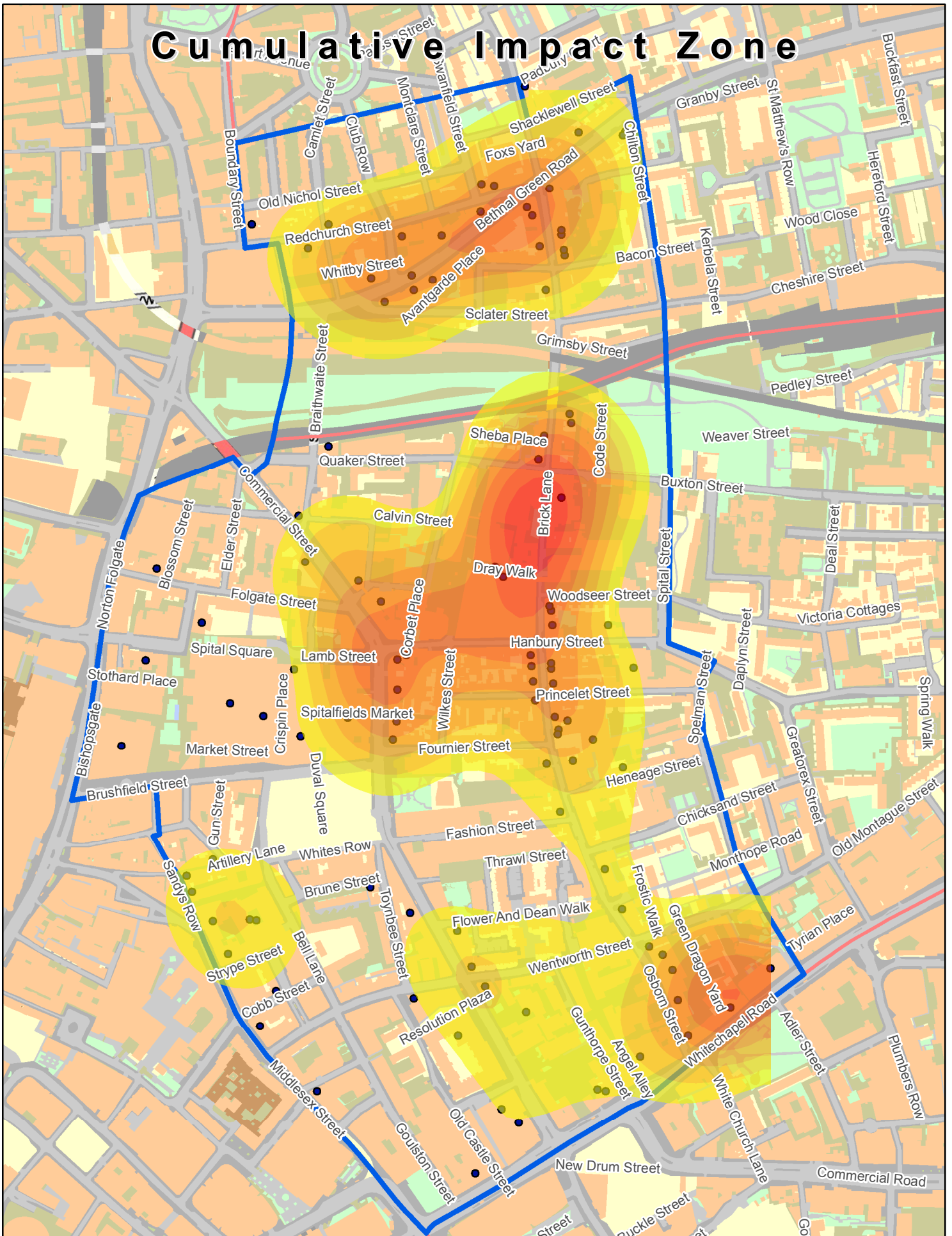
Cumulative Impact Zone



Between January 2015 to December 2015 the Police received 636 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2015 there was a reduction of 150 incidents compared to 2014. The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

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Cumulative Impact Zone



Between January 2016 to December 2016 the Police received 459 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2016 there was a reduction of 167 incidents compared to 2015. The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

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Search

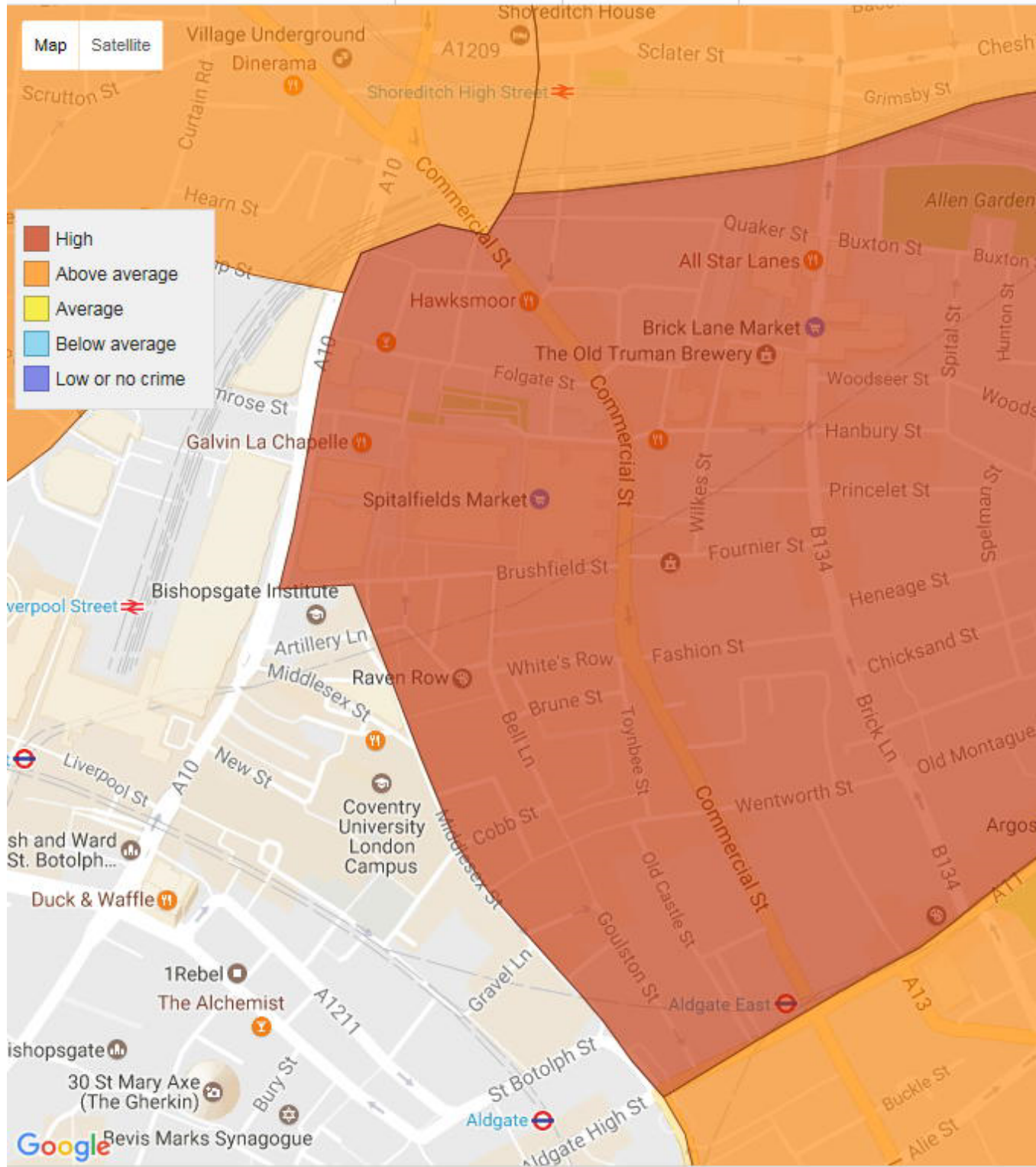
Go

Refine Map

Crime Types

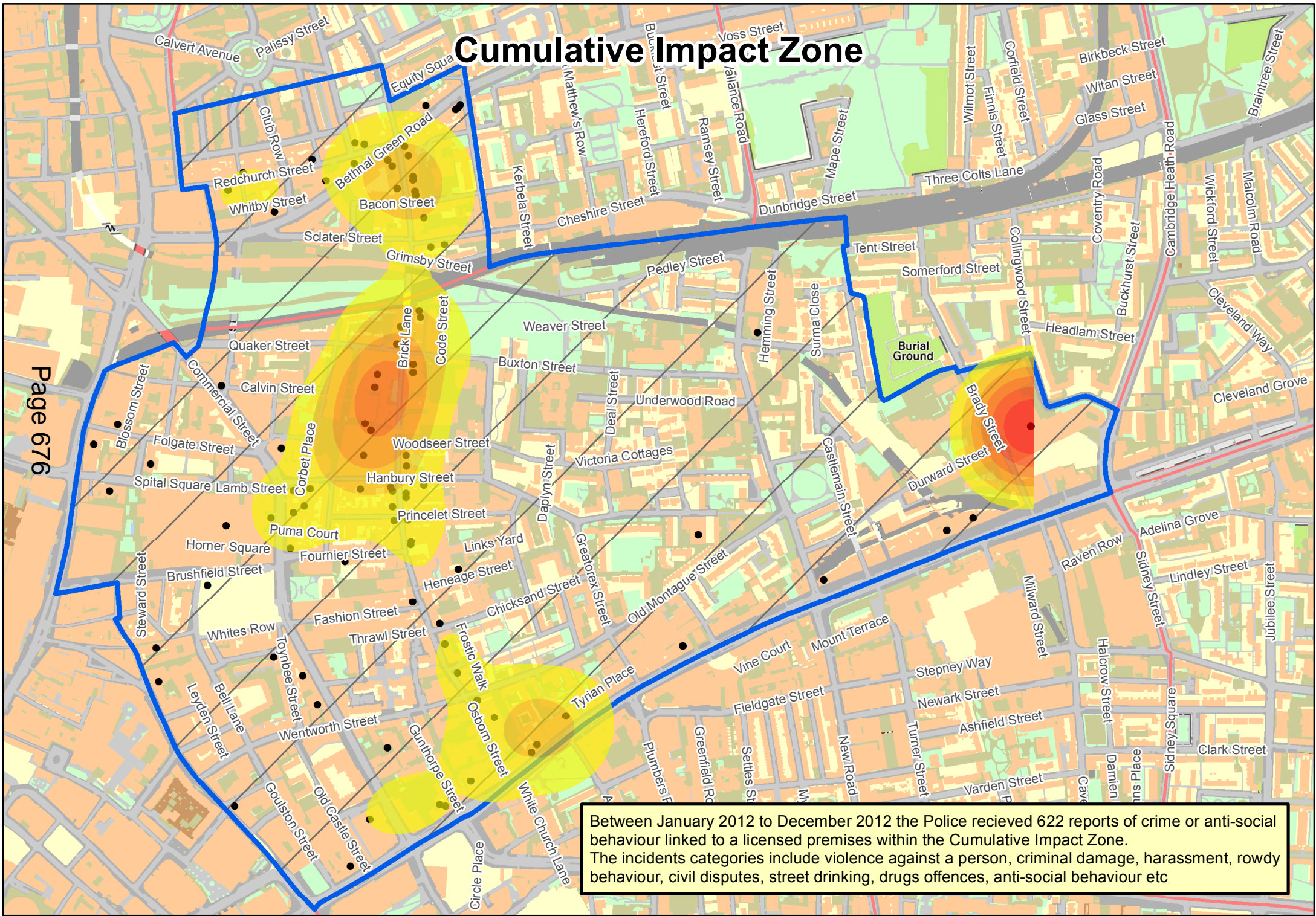
Map Satellite

- High
- Above average
- Average
- Below average
- Low or no crime



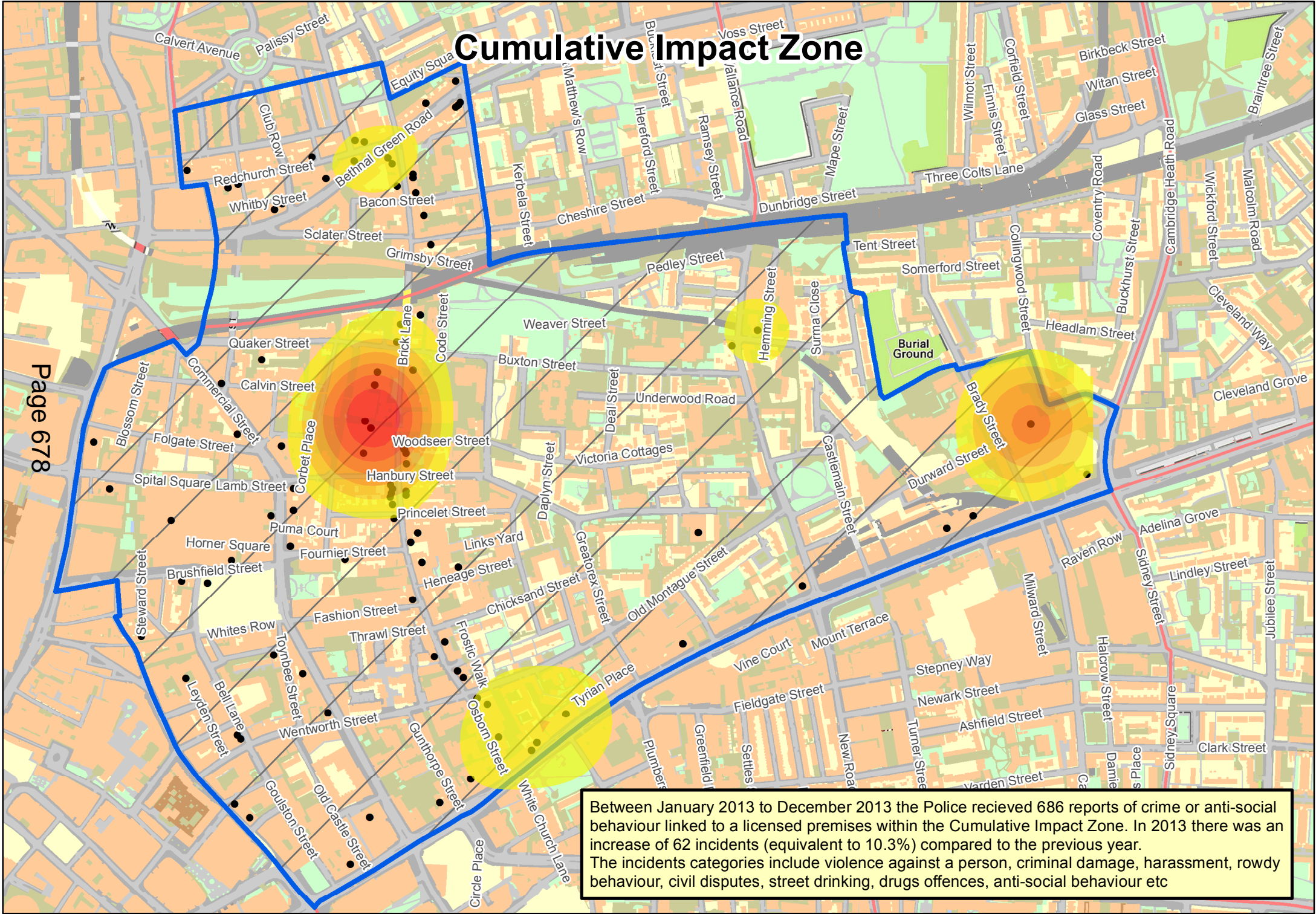
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Cumulative Impact Zone



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Cumulative Impact Zone

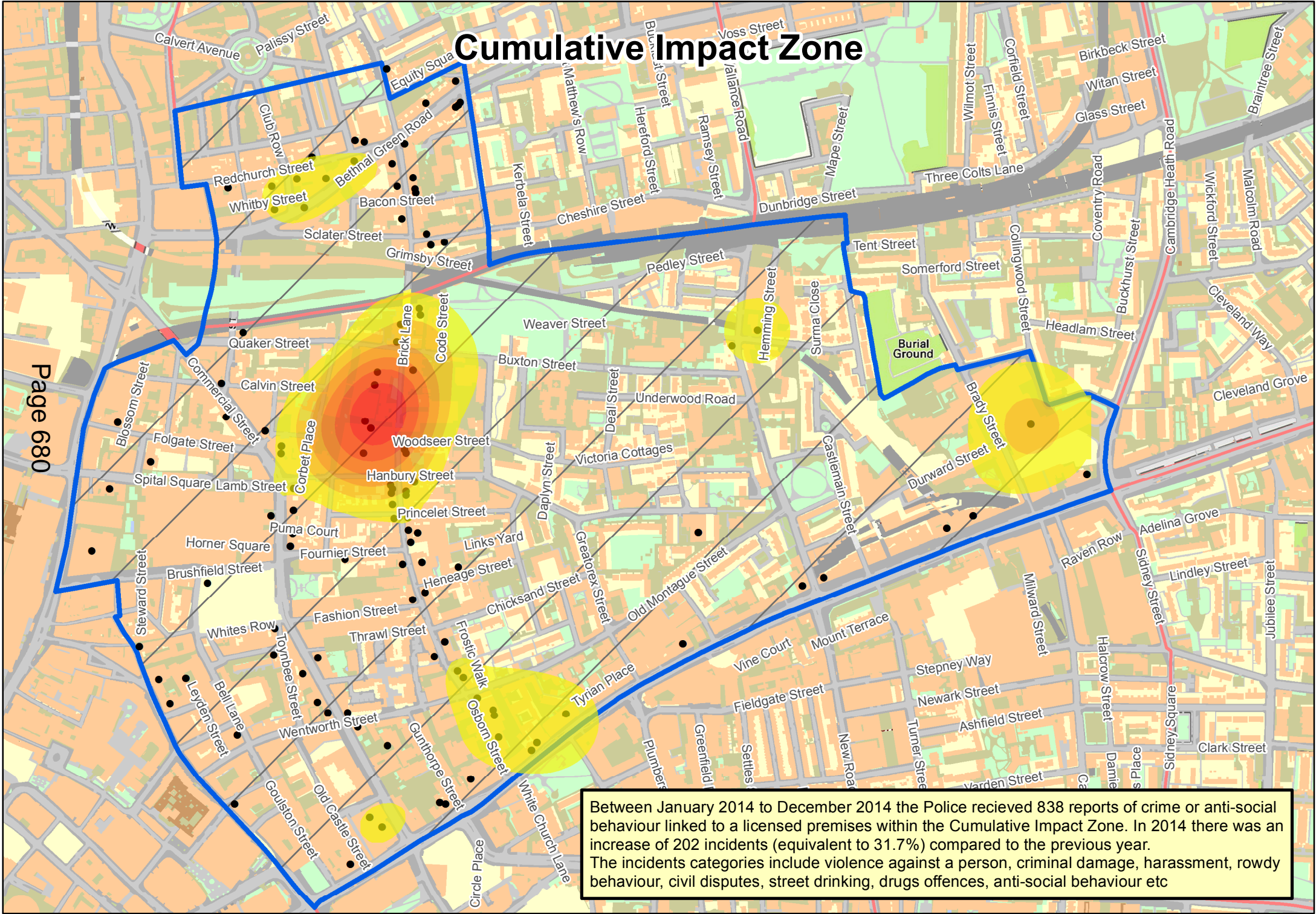


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Between January 2013 to December 2013 the Police received 686 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2013 there was an increase of 62 incidents (equivalent to 10.3%) compared to the previous year. The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

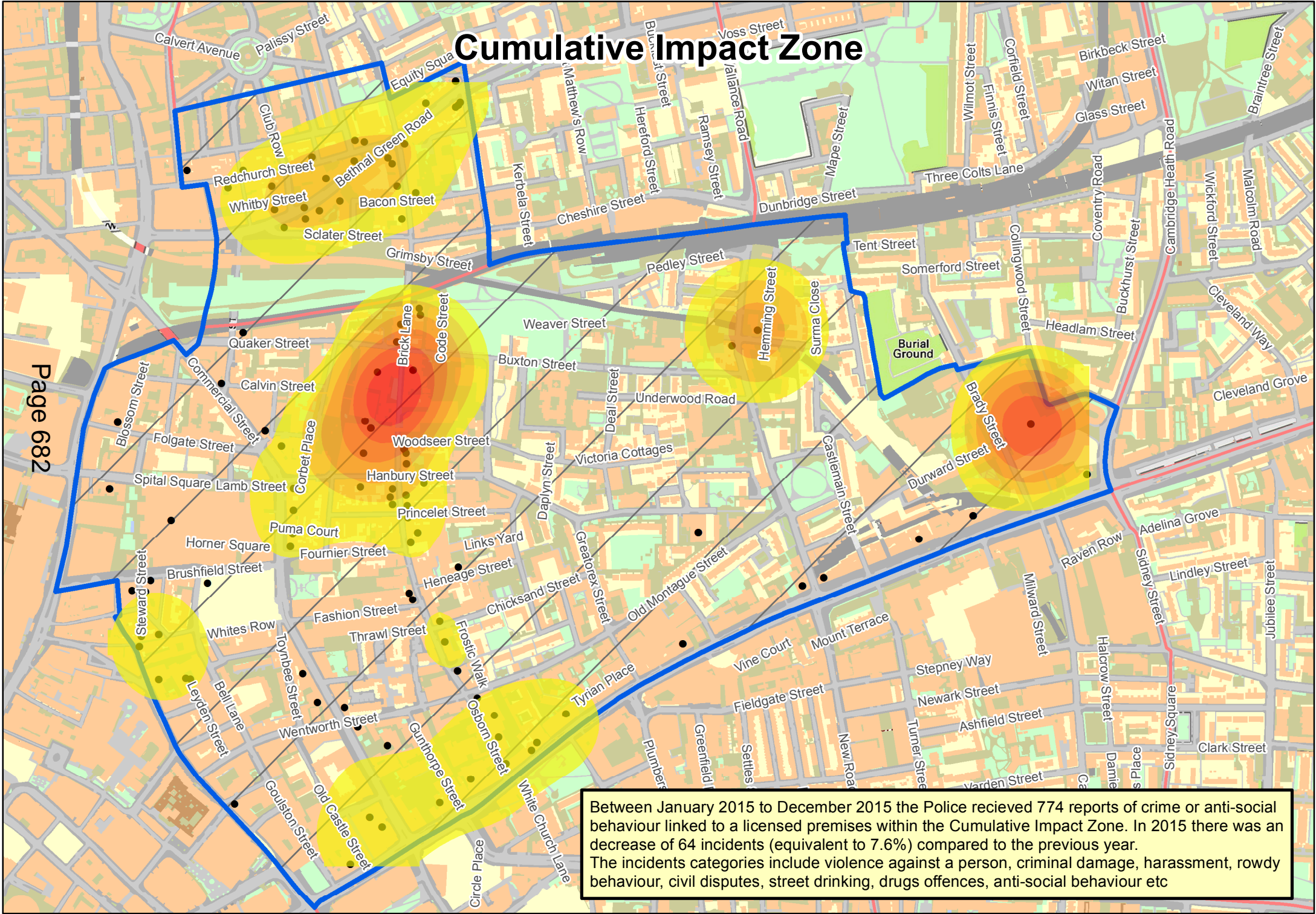
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Cumulative Impact Zone



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Cumulative Impact Zone

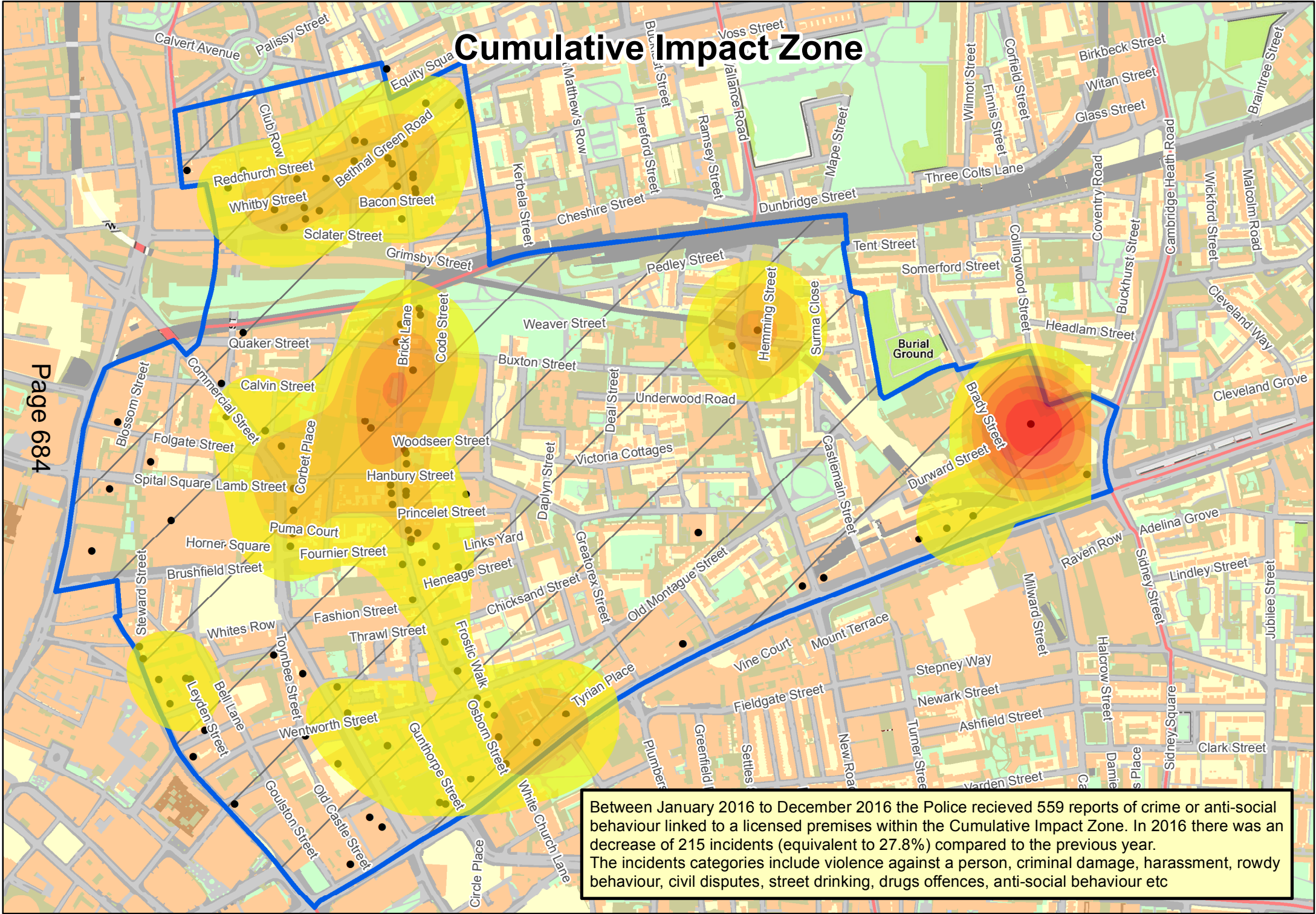


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Between January 2015 to December 2015 the Police recieved 774 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2015 there was an decrease of 64 incidents (equivalent to 7.6%) compared to the previous year. The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

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Cumulative Impact Zone

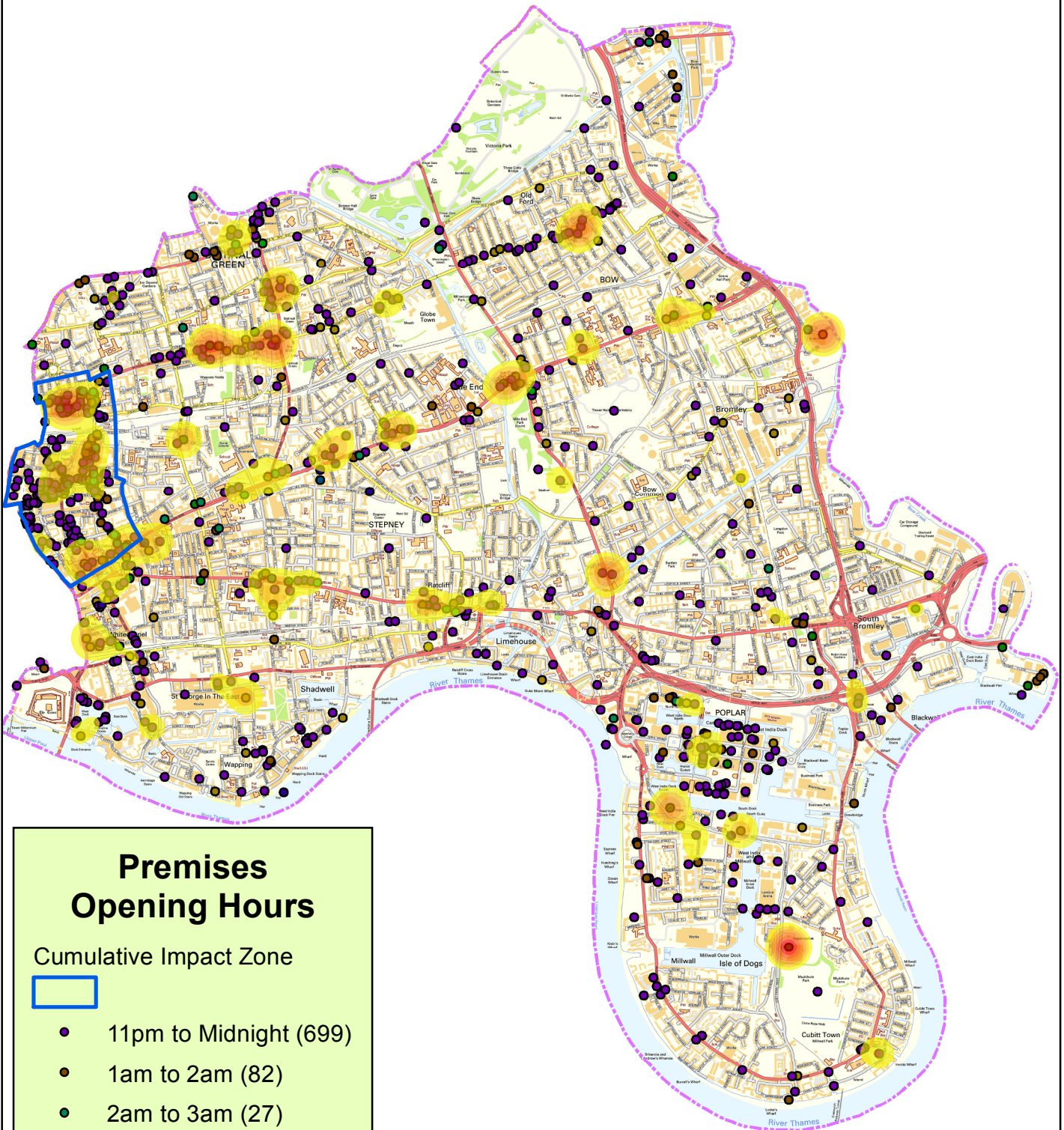


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Between January 2016 to December 2016 the Police received 559 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2016 there was an decrease of 215 incidents (equivalent to 27.8%) compared to the previous year. The incidents categories include violence against a person, criminal damage, harassment, rowdy behaviour, civil disputes, street drinking, drugs offences, anti-social behaviour etc

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Apr 16 to Mar 17 ASB/Crime hotspot map linked to a licensed premises



Premises Opening Hours

Cumulative Impact Zone

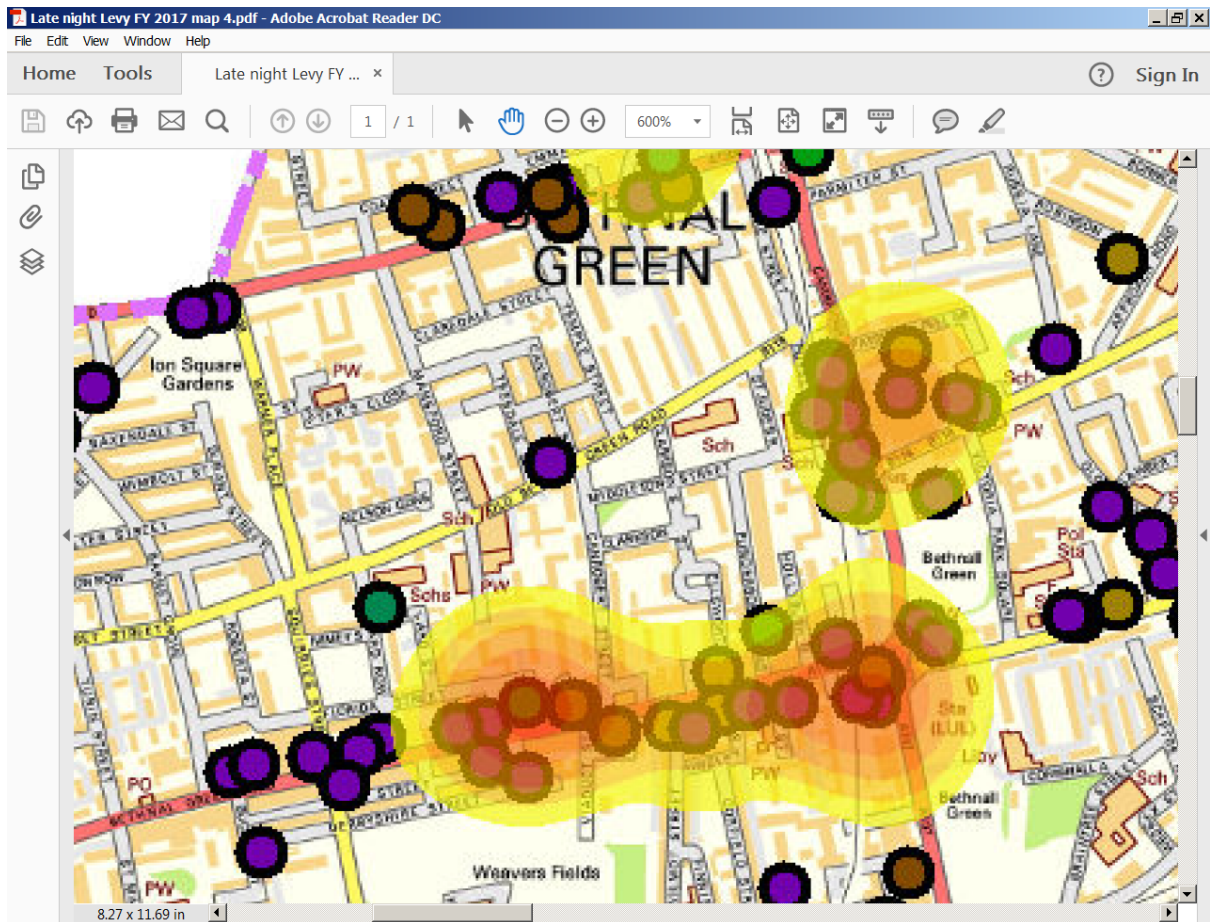


- 11pm to Midnight (699)
- 1am to 2am (82)
- 2am to 3am (27)
- 3am to 4am (6)
- 4am to 5am (3)
- 5am to 6am (1)
- 6am to 7am (3)
- 24 Hour (39)

Between April 2016 to March 2017 there were 3069 incidents of Anti-Social Behaviour or crime reported to the Police relating to a licensed premises within Tower Hamlets. 488 incidents occurred within the current Cumulative Impact Zone, which is equivalent to 15.9% of all reported incidents

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Appendix 7 – Consideration of a Cumulative Impact Zone for Bethnal Green Road/Cambridge Heath Road/Old Bethnal Green Road



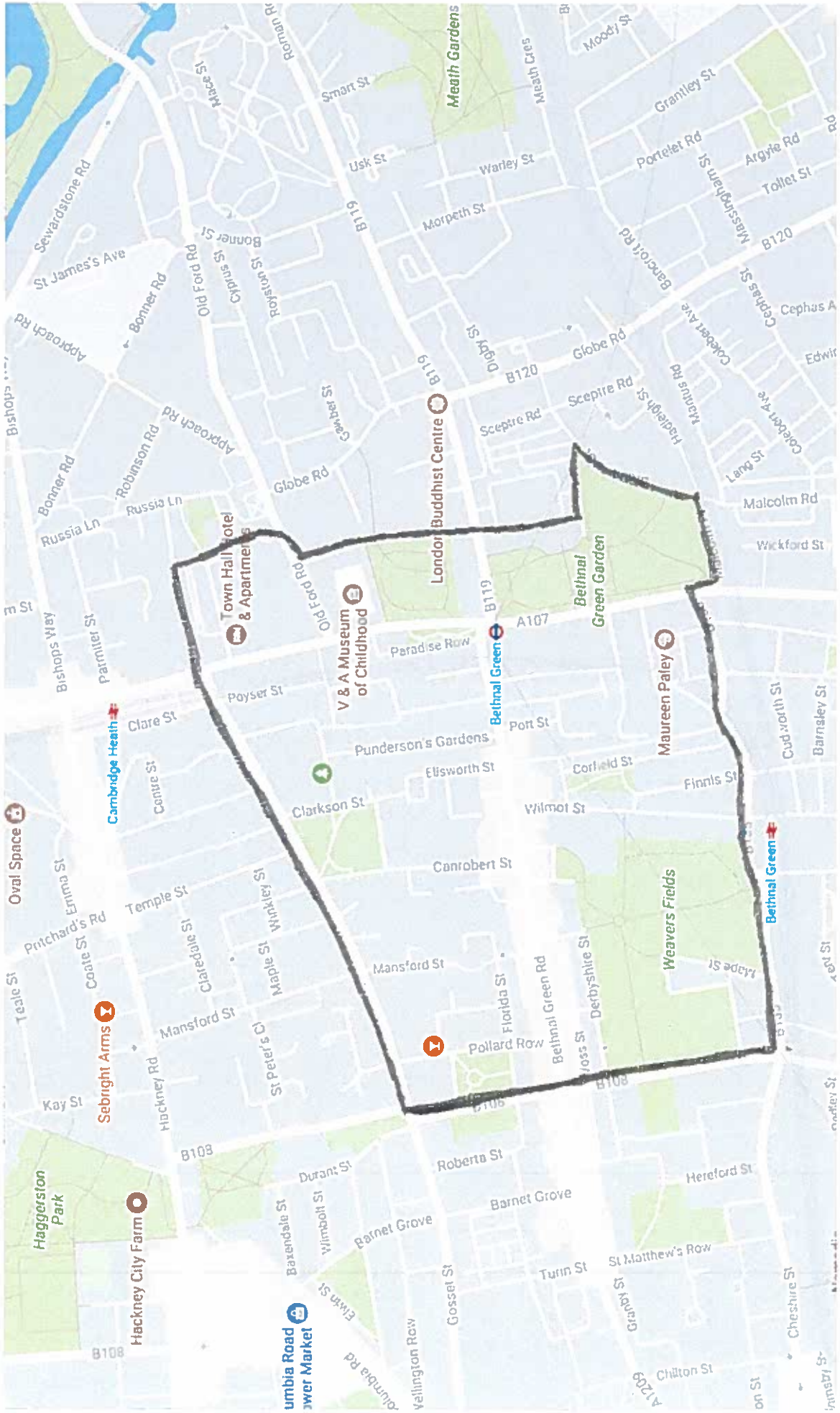
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Appendix 8 – 999/101 calls in 16/17 for the proposed Bethnal Green CIZ

Type of Incident	Number Recorded
Abandoned Call	15
ASB - Environmental	1
ASB - Nuisance	56
ASB - Personal	3
Burglary Other Than A Dwelling	7
Civil Disputes	12
Collapse / Illness / Injury / Trapped	2
Concern For Safety	11
Criminal Damage	10
Domestic Dispute	1
Drugs Offence	11
Harassment Act Offences	2
Protest / Demonstration	3
Robbery	6
Suspicious Circumstances	33
Suspicious Package / Object	1
Theft - Shoplifting	92
Theft Of Motor Vehicle	1
Theft Other	17
Unlisted Crime	2
Violence Against The Person	96
Grand Total	382

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Google Maps London Borough of Tower Hamlets



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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)	Licensing Policy Review
Directorate / Service	Place, Environmental Health and Trading Standards
Lead Officer	David Tolley
Signed Off By	Roy Ormsby

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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 Mayor in the Cabinet to agree:</p> <ul style="list-style-type: none"> • the forward programme for the adoption of the Statement of Licensing Policy • that the Statement of licensing policy will take effect from 1 November 2018 until 31 October 2023 <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 five years and publish the outcome of that review. The Council's current</p>

			<p>Statement of Licensing Policy was adopted by the full Council in November 2013.</p> <p>The policy aims to define how the responsibilities under the Act are going to be exercised and administered. A statutory consultation process is planned.</p> <p>The purpose of the Statement of Licensing Policy is to define how the responsibilities under the Licensing Act 2003 are going to be exercised and administered. The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003:</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.
b	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	The key proposed changes have arisen from legislative changes. These are likely to affect businesses, customers and local residents.
c	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	No	Depending on the consultation feedback Further evidence/research might be required to establish the impact of the policy: <ul style="list-style-type: none"> •
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	The responses from the consultation (written and online) will provide respondents’ views on the policy and some insight on the current problems, including alcohol and noise and ASB.

	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	Comments arising from the consultation will be considered 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	An online consultation will be made available on the Council website.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	List of groups/organisations consulted will be detailed.
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	The consultation process will not distinguish the nine protected characteristics. However, the impact on businesses of the policy and residents' concern with alcohol are shown in the data.
	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	<p>If this policy was endorsed after consultation and adopted, some businesses may be impacted by the policy.</p> <p>From the consultation data and the analysis above, residents may have positive impact from the policy adoption through the prevention of crime and disorder.</p>
b	Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?	Yes	<p>The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003:</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>These objectives, if they are achieved, will contribute to help develop cohesion. They may also contribute to develop equalities in the borough by reducing ASB and crime and disorder that currently take place in a particular area.</p>

4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	NA	No action plan is included in the policy.
b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	NA	No action plan is included in the policy.
c	Are the outcomes clear?	NA	No action plan is included in the policy.
d	Have alternative options been explored	NA	No action plan is included in the policy.
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 five 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?	Yes	The policy has been reviewed every five years and it is proposed that the policy is to be reviewed every five years. The policy review will be conducted via consultation.
7			
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	NA	No executive summary is included in the report.
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

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Agenda Item 5.8

<p>Cabinet</p> <p>31 October 2017</p>	
<p>Report of: Ann Sutcliffe - Acting Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>Passenger Transport Contract Extension</p>	

Lead Member	Councillor Amina Ali Cabinet Member for Environment
Originating Officer(s)	Bola Akinfolarin, Interim Head of Development, Compliance and Commissioning
Wards affected	All wards
Key Decision	Yes
Community Plan Theme	A Healthy Supportive Community

Executive Summary

- 1.1 The current Passenger Services provision for external routes is provided via a framework contract agreement which was entered into in January 2012. This provision is not part of the core business offered by the Council's in-house provision, but forms part of additional demand led services. As the services are demand led it is more cost effective to have these delivered by an external provider, which reduces down-time on vehicles, and costs associated with staff and vehicle purchase.
- 1.2 The original framework comprised Children's Services, Adult Social Care and Facilities Management.
- 1.3 The previous framework ran for 4 years January 2012 – December 2016, but in January 2017 the current Framework expired. On 4th October 2016 as part of the contact forward plan Q3 financial year 16/17, Cabinet approved an interim contract. This was to maintain essential passenger transport services pending the start of the new Framework in June 2017.
- 1.4 Going forward the new contract will be contract managed and procured through Public Realm, who manage the Transport Service Unit and use the framework for adult service users. They will also manage the contract on behalf of Children's and Adult Services going forward via a service level agreement (the facilities management element of the framework has now been removed and will be dealt with as a separate contract). This was a recommendation in a recent operational review of the Council's travel arrangements. It is felt that this arrangement will help to ensure that robust governance of the contract is in place

1.5 This report seeks cabinet approval to continue to operate within the existing framework in order to ensure that statutory and non-statutory frontline service provision is continued.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Give authority for the Council to continue to operate within the existing Passenger Transport Contact Framework for a period of 1 year and 6 months to ensure continuity of service.
2. Authorise the Corporate Director of Place (or in the Corporate Director's absence the Divisional Director) after consultation with the Corporate Director and Monitoring Officer, Governance, to agree the final terms and conditions of any agreement to implement this decision; and
3. Authorise the Corporate Director and Monitoring Officer, Governance, to execute all necessary contract documents to implement this decision.
4. To amend the estimated value of contract spend for the reprocurement of the Passenger Transport Framework shown on the contracts forward plan and presented to the Mayor in Cabinet on the 26th July 2016 to read £10.8 million

1. REASONS FOR THE DECISIONS

- 1.1 To ensure that the Council upholds its statutory responsibility for assisting with transport arrangements for children with special educational needs and adults with care plans under the Care Act 2014, in the borough.

2. ALTERNATIVE OPTIONS

- 2.1 The only option is to allow the framework to expire which means that the Council would not be able to legally provide the transport. This would therefore mean that the Council would be in breach of its statutory duty to provide the transport to children who require it as their means of accessing education.

3. DETAILS OF REPORT

- 3.1 The Council is statutorily responsible for providing transport arrangements for various people for example, children with special educational needs and adults with various care and support needs.

- 3.2 Transport is delivered in house (through the Transport Services Unit in the Place Directorate) and externally commissioned from a range of providers. The service combines bus and taxi services with drivers and escorts. These are demand led services with budgetary provision held within the budgets of Children's and Adult Social Care,
- 3.3 The current Passenger Services provision for external routes is provided via a framework which was entered into in January 2012.
- 3.4 The original framework comprised Children Services, Adult Social Care, and Facilities Management.
- 3.5 The framework ran for 4 years January – December. In January 2017 the current framework expired.
- 3.6 Cabinet approved continued use of the framework during the time within which it was necessary to undertake a new Procurement. However there have been significant delays in undertaking the new procurement and the extension to the original framework is due to expire before a new framework may be awarded.
- 3.7 Going forward the new contract will be managed and is being procured through Public Realm, who manage the Transport Service Unit and use the framework for adult service users. They will manage the contract on behalf of Children's and Adult Social Care going forward (the facilities management element of the framework has now been removed and will be dealt with as a separate contract). This was a recommendation in a recent operational review of the Council's travel arrangements. It is felt that this arrangement will help to ensure that robust governance of the contract is in place.
- 3.8 Risks of discontinuing the current Framework**
- 3.9 If the current framework is allowed to expire this would deny the Council access to the appropriate modes of transport until such time as the new framework has been procured and awarded. This would mean that the Council would be significantly in breach of its statutory duty to provide this transport for a considerable period of time. There would also be a significantly detrimental impact on the lives of the service users who ordinarily would benefit from this transport as no reasonable short to medium term alternative could be found. In particular, such users would not be able to access educational facilities and the care and support services to which they have a right and on which they rely.
- 3.10 Approximately 220 regular journeys are now undertaken by SEN children using externally provided taxis or mini buses with the current annual value of the contact being approximately £1.6 million. Similarly in Adult Social Care, 91 regular journeys are now undertaken by externally provided taxis or mini buses costing approximately £0.480m.

3.11 Risks of continuing with the current Framework

- 3.12 Extension of the existing Framework means that the Council could be challenged by the EU or Chambers of Commerce as the required level of competition will not be met. A framework should be for a period of no more than 4 years. However, the reason for this rule is that framework agreements should not be used in order to avoid subjecting spend to regular competition.
- 3.13 In mitigation of this, a tender process is underway and therefore, it is clear that the Council must undertake this extension out of necessity rather than with the intent of distorting competition albeit that completion of the new procurement will take a further six to nine months. Therefore, whilst the risk of challenge is appreciated it is generally considered to be quite low
- 3.14 Although both options present a level of risk, the risk of harm to and the obvious detrimental effect on service users caused by a cessation of the provision of transport represents a much clearer and greater risk of challenge to the Council.
- 3.15 On the 26th July 2016 Cabinet approved the reprocurement of this framework and the total contract value was recorded as £2 million. The re-procurement process for the framework is underway and the contract values have now been clarified as £8 million for Children's Services and £2.8 million Adult Services over the 4 years. The planned timeline is outlined below, and has been provided by procurement:

EVENT	CALENDAR DAYS of EVENT	CUMULATIVE DAYS	COMMENTS
Commence tender process	0	0	Assume all approvals secured and all remaining tender questions have been answered
Publish OJEU Notice	2	2	Allow 2 days to publish after sending
EOI	30	32	Legal minimum
Submission deadline	1	33	Allow day to release submissions from system
Evaluate EOIs	21	54	Includes compliance checks and financial assessments
Moderate and agree tender list	1	55	
Issue ITT	1	56	Assumes all latest routes entered in tender documentation
Tender Submission Period	35	91	25 days is legal minimum but a lot of information is required from bidders
Deadline for submission	1	92	Allow day to release submissions from system

Evaluation Period	7	99	May be more than is required as evaluation is only to ensure eligibility for Framework
Moderation	1	100	Panel to confirm outcome
Issue standstill letters	3	103	Assume prepared apart from final details
Standstill period	12	115	Allow for weekend and any simple queries. Major issue may delay end of standstill
Standstill ends – issue LOAs	1	116	Allow 1 day for receipt and acknowledgments. Who is to sign the letters? Are they in?
Contracts set up for Framework	14	130	Not complex but allows for delays with legal
Call-off commences	1	131	Discussions with Framework members to commission winning providers route by route
Call-of Agreements/SLA signing	2	2	May take longer – depends on how many there are
Lead-in period	TBC	TBC	Not known
Start of service	TBC	TBC	Not known – may vary from route to route

In addition:

Tollgate 2	21		<p>CPF and CB take a minimum of 3 weeks overall. Further delay may be incurred by missing the preferred Board. The impact on time cannot be predicted as it depends on when Day 0 (above) actually occurs. This, in turn, will depend on:</p> <ul style="list-style-type: none"> • Cabinet approval • Finalisation of tender material • Project Team agreeing the final documentation
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4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 The report seeks the approval of Cabinet to extend the existing Passenger Transport Contract Framework for a further 18 month period. This will ensure no immediate disruption in the service for external routes as the current contract arrangement expired at the end of December 2016. The Council has a statutory responsibility to provide the passenger transport service for both vulnerable children and adults. Approval is therefore sought to continue using the framework contract to provide sufficient time for the procurement process to be undertaken.

4.2 Children's Services has historically had pressures on both the Internal and external SEN Transport budget. In 2016/17 the outturn on external SEN Transport services was £1.578m against a budget of £1.174m, an over spend of £0.404m. In 2017/18 the forecast is £1.782m against a budget of £1.182m, an over spend of £0.600m. The trend is that activity has been increasing year on year, with no additional provision identified or the potential to identify savings with the current commissioning process that is in place.

- 4.3 This is a demand led service that continues to add pressure to already overstretched Children's Services budgets.
- 4.4 There is sufficient budget provision within Health, Adults and Community Service to meet the identified annual value of £0.48m to provide for the current commitments for passenger transport utilising the framework.
- 4.5 At the Cabinet meeting on the 26th July 2016 the reprocurement of the framework contract was agreed and will commence in 2018/19. The costs of the 4 year contract value for Children's Service are expected to be up to £8m and for Health, Adults and Community Service up to be £2.8m. This will ensure that there is sufficient capacity within the contract to manage future levels of demand.
- 4.6 Given the financial constraints faced by the Council it is imperative that resource funding levels to support this demand led service are considered fully as part of the Council's Outcomes Based Budgeting approach for 2017 - 2020. This will need to include the identification of any complementary funding requirements and consideration of the most effective way to manage and deliver Council's statutory responsibilities alongside its other competing priorities.

5. LEGAL COMMENTS

- 5.1 This report concerns the proposal to directly award a contract for Passenger Transport Services (the Services) via the Passenger Transport Contact Framework (the Framework). Under sections 508 and 509 of the Education Act 1996 the Council has a duty to make transport available to both eligible children and post 16 adult learners. Under section 8 and 18 of the Care Act 2014, the Council has a duty to meet the eligible needs of an adult in need of care and support, which may include services such as transport. Extending the contract will allow the Council to meet its statutory obligations.
- 5.2 The Framework has expired and the Council intend to continue operating within the existing Framework by extending the framework for 18 (eighteen) months to allow the Council time for the re-procurement of the Services.
- 5.3 The Council has power to enter into a contract for a third party to deliver the Services which arises by virtue of section 111 of the Local Government Act 1972, providing the power enabling the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Under section 1 of the Localism Act 2011, the Council has the power 'to do anything that an individual may do' 'for the benefit of the authority, its area or persons resident or present in its area'. The Council may be satisfied that it has the enabling power(s) to enter into a contract for the Services.

- 5.4 The subject matter of the Services falls within the description of Part 2 of the Public Contracts Regulations 2015 (Regulations) and the estimated value of the contract exceeds the relevant threshold contained in the Regulations. In view of this the Council would ordinarily be required to fully comply with the Regulations and to subject the Services to a new competition. In particular, under Regulation 33 a framework agreement should not exceed 4 years in length unless the subject matter of the framework requires a longer term. However, a new competition in itself must also comply with the requirements and timescales set out in the regulations which will take some considerable time to complete especially as the routes will need to be reallocated subject to a further mini-competition
- 5.5 Also the Council cannot allow the service users to be without these services for any length of time as not only would it be in breach of its own statutory obligations it would also be of considerable detriment to the Service Users who would have to forgo the assistance afforded by these services. Therefore, the most expedient approach is to issue framework contracts on the same basis as the original for such a period as is only necessary to allow for the completion of the new procurement.
- 5.6 It is notable that guidance provided by the European Commission explains that regulation 33 has as its basis the desire to ensure that frameworks are presented to the market on a regular basis to ensure sufficient exposure to competition. It is notable also that the Council's need to issue new short term framework contracts is born out of the Council's need to fulfil its statutory duty to the Service Users rather than to unnecessarily avoid competition.
- 5.7 It is notable also that the spend in respect of each route shall be subject to an element of competition within the framework itself ensuring that the Council will be able to demonstrate that the individual prices paid in respect of each route provide Best Value for the purposes of Section 3 of the Local Government Act 1999.
- 5.8 The direct award of the framework contracts must also comply with the Council's Procurement Procedures. The Council should be satisfied that one of the grounds under section 12 of the Procedures is fulfilled. The ground which could be relied upon is 12.1(a) of the Procedures which states that a waiver is permissible where "the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and has demonstrated that only a single source of supply is available, or it is otherwise clearly in the Council's interest to do so". This is because it is clearly in the Council's interest that it does not fail to comply with its statutory care and education duties.
- 5.8 When considering its approach to contracting, 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 do not (the public sector equality duty). Officers are expected to

continuously consider, at every stage, the way in which procurements conducted and contracts awarded satisfy the requirements of the public sector equality duty. This includes, where appropriate, completing an equality impact assessment which should be proportionate to the function in question and its potential impacts. It should be noted that should the Council decide not to proceed with the award of the short term frameworks then the Council must consider alternative approaches to ensure that persons with a protected characteristic who would be affected by the loss of the transport are provided with other opportunities similar to those that they had when the transport was provided.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 Please see attached equality checklist.

7. BEST VALUE (BV) IMPLICATIONS

7.1 This proposal seeks to put in place interim measures which will allow the Council to continue to provide statutory services, in order to regularise Best Value by conducting a fully compliant procurement process, which aims to deliver Best Value.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 As this is a request for the extension of an existing framework contract, the proposal does not address sustainable environmental issues. However the purpose of this proposal is to allow for a fully compliant procurement process to take place during which sustainable environmental issues will be addressed.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Ending the current framework would mean the suspension of the Children's Services statutory service, which would constitute a breach of the Council's statutory undertaking.

9.2 In addition suspension of the contact would leave vulnerable children and adults with no access to schools or centres.

9.3 Continued operations within the existing Framework means that the Council could be challenged by the EU or Chambers of Commerce as the required level of competition will not be met.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 N/A

11. SAFEGUARDING IMPLICATIONS

- 11.1 Existing safeguarding arrangements are already in place as part of the existing framework contact. Arrangements will be confirmed if this approach is agreed.
-

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1: Equality Impact Assessment.

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

- NONE

Officer contact details for documents:

N/A

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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)	Passenger Transport Contact Extension
Directorate / Service	Place/ Public Realm
Lead Officer	Bola Akinfolarin
Signed Off By (inc date)	
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: #008000; margin-right: 10px;"></div> <div> <p>Proceed with implementation</p> <p>As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share Protected Characteristics and no further actions are recommended at this stage.</p> </div> </div>



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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	
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is	Yes	

	there information about the equality profile of those affected?		
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	
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	
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	Yes	
b	Have alternative options been explored	Yes	
5	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	
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes	

Appendix A

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the QA checklist, it is evident that due regard is not evidenced in the proposal and / or a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the proposal be suspended until further work or analysis is performed – via a the Full Equality Analysis template	Suspend – Further Work Required	Red 
As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	Proceed with implementation	Green: 

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Agenda Item 5.9

Cabinet 31 October 2017	 TOWER HAMLETS
Report of: Zena Cooke – Corporate Director, Resources	Classification: Unrestricted
Contracts Forward Plan – Quarter Three (FY2017-2018)	

Lead Member	Councillor David Edgar, Cabinet Member for Resources
Originating Officer(s)	Zamil Ahmed – Head of Procurement
Wards affected	All wards
Community Plan Theme	One Tower Hamlets
Key Decision	Yes

1. EXECUTIVE SUMMARY

- 1.1. The Council's Procurement Procedures require a quarterly report to be submitted to Cabinet, setting out a forward plan of supply and service contracts over £250K in value, or capital works contracts over £5m. This provides Cabinet with the visibility of all high value contracting activity, and the opportunity to request further information regarding any of the contracts identified. This report provides the information in quarter three of the current Financial Year.
- 1.2. Only contracts which have not previously been reported are included in this report.

2. DECISION REQUIRED:

The Mayor in Cabinet is recommended to:

- 2.1. Consider the contract summary at Appendix 1, and identify those contracts about which specific reports – relating to contract award – should be brought before Cabinet prior to contract award by the appropriate Corporate Director for the service area
- 2.2. Confirm which of the remaining contracts set out in Appendix 1 can proceed to contract award after tender
- 2.3. Authorise the Divisional Director - Legal Services to execute all necessary contract documents in respect of the awards of contracts referred to at recommendation 2.2 above
- 2.4. Review the procurement forward plan 2017-2022 schedule detailed in Appendix 2 and identify any contracts about which further detail is required in advance of the quarterly forward plan reporting cycle

3. REASONS FOR THE DECISIONS

- 3.1. The Council's Procurement Procedures require submission of a quarterly forward plan of contracts for Cabinet consideration, and it is a requirement of the Constitution that "The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £250K, and any contract for capital works with an estimated value exceeding £5m shall be approved by the Cabinet in accordance with the Procurement Procedures". This report fulfils these requirements for contracts to be let during and after quarter three of the current financial Year.

4. ALTERNATIVE OPTIONS

- 4.1. Bringing a consolidated report on contracting activity is considered the most efficient way of meeting the requirement in the Constitution, whilst providing full visibility of contracting activity; therefore no alternative proposals are being made.

5. BACKGROUND

- 5.1. Council's procurement procedures and processes have undergone major improvements to ensure they are clear, concise and transparent. Our systems, documentations and guidance to suppliers have been transformed to ensure they reflect best practice in Public Sector procurement. Our efforts in maintaining effective dialogue with our bidders during the procurement process has helped to minimise procurement challenges.
- 5.2. To ensure the Council continues to be recognised for its sound procurement practices and effective engagement with the supply community, it is imperative that delays in contract award are minimised and adherence to the timetable outlined within our Invitation to Tender documentations.
- 5.3. The importance of procurement as an essential tool to deliver Councils wider social, economic and environmental aims has resulted in the need to ensure effective elected Member engagement in the pre-procurement and decision making process as identified in the recent Best Value audit.
- 5.4. This report provides the forward plan for quarter two of the current financial Year in Appendix 1, and gives Cabinet Members the opportunity to select contracts about which they would wish to receive further information, through subsequent specific reports.
- 5.5. Additionally, the report also includes a Procurement Forward Plan 2017-2022 to provide Mayor and Cabinet members with high level visibility of our planned procurement activity and the opportunity to be engaged in advance of the procurement cycle. The structure and value of the contracts listed within may change as part of the re-commissioning strategy.

6. FORWARD PLAN OF CONTRACTS

- 6.1. Appendix 1 details the new contracts which are planned during the period Q3 of the Financial Year. This plan lists all of the new contracts which have been

registered with the Procurement Service, and which are scheduled for action during the reporting period.

- 6.2. Contracts which have previously been reported are not included in this report. Whilst every effort has been made to include all contracts which are likely to arise, it is possible that other, urgent requirements may emerge. Such cases will need to be reported separately to Cabinet as individual contract reports.
- 6.3. Cabinet is asked to review the forward plan of contracts, confirm its agreement to the proposed programme and identify any individual contracts about which separate reports – relating either to contracting strategy or to contract award – will be required before proceeding.
- 6.4. Equalities and diversity implications – and other One Tower Hamlets issues – are addressed through the Council’s Tollgate process which provides an independent assessment of all high value contracts, and ensures that contracting proposals adequately and proportionately address both social considerations and financial ones (such as savings targets). The work of the Competition Board and Corporate Procurement Service ensures a joined-up approach to procurement.
- 6.5. The Tollgate process is a procurement project assurance methodology, which is designed to assist in achieving successful outcomes from the Council’s high value contracting activities (over £250K, for revenue contracts, and £5m, for capital works contracts which have not gone through the Asset Management Board approval system). All Tollgate reviews are presented to Competition Board; contracts require approval of the Board before proceeding.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1. This report describes the quarterly procurement report of the forward plan for quarter two of the Financial Year and beyond, to be presented to Cabinet for revenue contracts over £250K, in value and capital contracts over £5m.
- 7.2. Approximately £578.89m of goods, services and works will be procured from external suppliers. Procured services comprise around 40% of the Council’s annual expenditure and control of procurement processes is thus crucial to delivering value for money for tax payers as well as managing the risks that may arise if procurement procedures go wrong. Consideration of the plan by Cabinet operates as an internal control and also provides the opportunity for the Mayor to comment on specific procurements at an early stage.
- 7.3. Appendix 1 details three contracts that will be out to tender in quarter three of 2017/18. The annual value of these contracts is approximately £76.59m and the cost of these will be met from existing budgets.

8. LEGAL COMMENTS

- 8.1. The Council has adopted financial procedures for the proper administration of its financial affairs pursuant to section 151 of the Local Government Act 1972. These generally require Cabinet approval for expenditure over £250,000 for revenue contracts and £5m for capital works contracts.

- 8.2. Cabinet has approved procurement procedures, which are designed to help the Council discharge its duty as a best value authority under the Local Government Act 1999 and comply with the requirements of the Public Contract Regulations 2015. The procurement procedures contain the arrangements specified in the report under which Cabinet is presented with forward plans of proposed contracts that exceed specified thresholds. The arrangements are consistent with the proper administration of the Council's financial affairs.
- 8.3. Pursuant to the Council's duty under the Public Services (Social Values) Act 2012, as part of the tender process and where appropriate, bidders will be evaluated on the community benefits they offer to enhance the economic social or environmental well-being of the borough. This is in accordance with the Council's Procurement Policy Imperatives adopted at Cabinet on 9th January 2013. The exact nature of those benefits will vary with each contract and will be reported at the contract award stage. All contracts delivered in London and which use staff who are ordinarily resident in London will require contractors to pay those staff the London Living Wage. Where workers are based outside London an assessment will be carried out to determine if the same requirement is appropriate.
- 8.4. When considering its approach to contracting, 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 do not (the public sector equality duty). Officers are expected to continuously consider, at every stage, the way in which procurements conducted and contracts awarded satisfy the requirements of the public sector equality duty. This includes, where appropriate, completing an equality impact assessment as part of the procurement strategy, which is then considered as part of the tollgate process.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1. The Council is required to consider the value for money implications of its decisions and to secure best value in the provision of all its services. The Council procures annually some £350m of supplies and services with a current supplier base of approximately 3,500 suppliers. The governance arrangements undertaking such buying decisions are set out in the Council's Procurement Procedures, which form part of the Financial Regulations.
- 9.2. Contracts listed in Appendix One are all subject to the Council's Tollgate process which involves a detailed assessment by Competition Planning Forum and Competition Board of the procurement strategy to ensure compliance with existing policies, procedures and best value duties prior to publication of the contract notice.

10. ONE TOWER HAMLETS CONSIDERATIONS

- 10.1. Equalities and diversity implications – and other One Tower Hamlets issues – are addressed through the tollgate process, and all contracting proposals are required to demonstrate that both financial and social considerations are adequately and proportionately addressed. The work of the Competition Board and Corporate Procurement Service ensures a joined-up approach to council's procurement activities.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 11.1. Contracts are required to address sustainability issues in their planning, letting and management. This is assured through the Tollgate process, and supported through the Corporate Social Responsibility work stream.

12. RISK MANAGEMENT IMPLICATIONS

- 12.1. Risk management is addressed in each individual contracting project, and assessed through the tollgate process.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1. There are no specific crime and disorder reduction implications.

14. EFFICIENCY STATEMENT

- 14.1. Contract owners are required to demonstrate how they will achieve cashable savings and other efficiencies through individual contracting proposals. These are then monitored throughout implementation.

15. APPENDICES

Appendix 1 – new contracts planned: Q3 of the Financial Year and beyond.

Appendix 2 - Procurement Forward Plan 2017 -2022

Appendix one – new contracts planned: Q3 of the Financial Year 2017-18

Contract Ref & Title	HAC5252 - Teresa House and Hamlets Way high support mental health accommodation		
Procurement Category:	Health and Social Care	Funding:	Joint Commissioning
Invitation Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	01/11/2017	Contract Duration and Extensions:	36 months with 2 x 12 month options to extend
Value P/A:	£572,985	Value Total:	£1,719,900 (Excluding extensions)
Reviewed by Competition Board <input checked="" type="checkbox"/>	18/09/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

Teresa House / Hamlets Way services are high support mental health accommodations, contracted by the Commissioning and Health. This contract is commissioned to deliver the aims and targets of the Mental Health Accommodation Strategy, agreed by Cabinet in March 2011. Specifically the supported accommodation is of key strategic relevance and vital in securing the delivery of the Strategy in terms of:

- Reducing the use of out of Borough expensive residential units;
- Improving service user experience and outcomes by increasing in-borough supported tenancies as a stepping stone to independent living and broader recovery.

The service is for 32 service users, in two separate locations, all of whom are subject to enhanced CPA processes, care managed by community mental health teams in the borough. The service provides a stepping stone from residential care, from or to other supported accommodation, to enable discharge from hospital, or to prevent hospital admission - supporting the individual's recovery along the accommodation pathway. Therefore service users will typically reside at the scheme for between 2 and 4 years prior to moving to independent accommodation. The accommodation is owned by Genesis Housing Association, and managed by Look Ahead Housing Care and Support. The current contract expires on 31st March 2018.

Contracting Approach

The preferred procurement approach is to undertake a light touch OJEU tender. Representatives from Adult Services, the CMHT and CCG will be invited to be members of the tender panel, reviewing the specification and evaluating submissions to ensure that the most economically advantageous tender is selected for future delivery of the service. The tender will offer a 36 month contract with two 12 month options to extend in order to give both stability to service and facilitate changes and focusing to meet future as well as current need. The tender will be aligned to all the mental health accommodation pathway service that are required to be contracted within the financial year 2016 – 2017.

Community Benefits

Along with all existing Supporting People tenders, community benefits commensurate with the contract size will be sought from providers through the tender process. Benefits would be expected to include local employment opportunities, work placements, volunteer opportunities. For Supporting People Contracts, suppliers are asked to meet targets such as:

- Funding, contribution and attendance at a minimum of 1 local job fair per annum.
- Commitment to local apprenticeships, trainees, volunteers and graduates that will be employed annually throughout the lifetime of the contract. This should include opportunities for career progression for local people employed within the contract.
- percentage of agency staff that will be recruited via local recruitment agencies in Tower Hamlets
- Percentage of vacancies within the service that will be recruited from the local community.
- Number of support programme placements organisation will be able to provide to assist people with Learning Disabilities; Physical Disabilities or Mental Health problems get into paid employment.
- Details of any programmes, placements or opportunities organisation will be able to offer to assist unemployed people back into work

Contract Ref & Title	P5246 LFWE Training provider		
Procurement Category:	Corporate	Funding:	No Funding
Invitation to Tender <input type="checkbox"/> Contract Signature <input type="checkbox"/>	09/10/2017	Contract Duration and Extensions:	10 years
Value P/A:	In kind benefit of £150,000	Value Total:	In kind benefit of £1.5m
Reviewed by Competition Board <input checked="" type="checkbox"/>	28/09/2017	<input type="checkbox"/> London Living Wage <input checked="" type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

The council requested and secured a 500sqm commercial space as part of the development of the former London Fruit and Wool Exchange through S106 agreement. This was identified by the Growth and Economic Development Service as an opportunity to develop and expand training and employment provision in central key areas of Tower Hamlets.

The proposed use for the premises is for a training centre (office) under class B1 use. The duration of the lease is 10 years and will be rent and service charge free; with business rates, insurance of the premises and all associated costs for the space being the responsibility of the sub-tenant. The total rent costing for the location of the premises is of an estimated value of £1,000,000 for the 10 years. The site will be available for the chosen provider to move in from July 2018. The space will provide an opportunity to establish a local skills and jobs service that will enhance local engagement of workless residents, and assist them on their journey towards economic activity and employment. It is anticipated the new training and employment facility will lead to an increased volume of local residents taking up job vacancies.

The council will procure a provider to lease the facility for the 10 year period, as agreed within the planning heads of terms. The provider will be selected through the council's procurement process. The provider will be expected to access funding for training from external funding sources such as SFA or ESF as appropriate. The council will not provide delivery funding to the chosen provider and all bidding organisations will be expected to outline and discuss their business model and sustainability within their tender.

For this reason, the tender submissions will be evaluated on a quality-only basis as there is no charge to the Council. The facility will tap into the local employment market which includes the retail, hospitality and hotels sectors. The facility and its advisers would work alongside other services including WorkPath and local partners to co-ordinate the service offer and form part of the Council's overall response to low employment rates and high unemployment rates.

The project is intended to help the council and partners respond to the changes in the economy and labour market, by providing a strategic and coordinated local resource-offer for a wide range of workless residents. The chosen provider will work in partnership with WorkPath and other relevant partners to ensure the necessary outputs are delivered. The training to be delivered from this new service will be classroom based but the service to be provided will not be known until the training provider has been selected.

The successful delivery of this project contributes towards the Borough's Community Plan corporate themes. They are also in line with national priorities with respect to educational attainment and to tackling worklessness, with a particular focus on vulnerable and excluded communities:

Creating and sharing prosperity – by increased educational and vocational training routes into employment.
Excellent public services – by a greater targeting of services to the most vulnerable and excluded communities as well as greater engagement opportunities.

The two themes are considered as key drivers for 'One Tower Hamlets' agenda and are translated into the Employment Strategy via the following five strategic objectives:

- Making mainstream services work better for residents
- Engaging workless residents detached from the labour market and complement the work of the mainstream.
- Encouraging increased aspiration towards engaging with the labour market, particularly for economically inactive groups.
- Ensure economic investment is co-ordinated and focused.
- Capture employment opportunities for Tower Hamlets residents within the borough and wider London labour market.

Contracting Approach

The procurement of the training provider will be subject to OJEU procurement rules, and we will ensure the Council's procurement policies and guidelines are followed, including ensuring a transparent process and equal opportunities are provided. In order to allow a fair procurement process, it will be open to all providers, not just locally registered organisations.

Community Benefits

This project is specifically designed to create and enhance training and employment services and opportunities for local residents looking for work, and as such meets the council's criteria in relation to the securing of economic benefits within its project delivery. The training facility will be designed in partnership with the appointed training provider to ensure that services are delivered in a flexible way, via premises that are accessible and fit for purpose.

The facility will enable the Council to extend its reach into an area of the borough where it does not have a dedicated facility. By working closely with the training provider we are able to generate more work experience placements, apprenticeships, and employment opportunities for local residents with which they may not have originally been able to access. The training assists in bridging the gap between local employers and the community by developing working partnerships that meet the requirements of businesses and the unemployed residents.

Contract Ref & Title	P5258 Apprentice Training and Education (Dynamic Purchasing System)		
Procurement Category:	Corporate	Funding:	Apprenticeship Levy Account
Invitation to Tender <input type="checkbox"/> Contract Signature <input type="checkbox"/>	16/10/2017	Contract Duration and Extensions:	10 Years (5 years + 5 years)
Value P/A:	£40m (£1.3m for LBTH)	Value Total:	£400m (£13m for LBTH)
Reviewed by Competition Board <input checked="" type="checkbox"/>	29/08/2017	<input checked="" type="checkbox"/> London Living Wage <input checked="" type="checkbox"/> New Procurement <input checked="" type="checkbox"/> Collaboration <input type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

From spring 2017 large employers with a pay bill of over £3 million will be mandated to pay into a Levy at a rate of 0.5% of their pay bill. The Apprenticeship Levy is to fund training and assessment costs, not salaries. The levy for LBTH, including schools and Tower Hamlets Homes will be in the region of £1.3m annually. The government will be accrediting trainers for the delivery of the training programmes under the Apprenticeship Levy; however, on procuring specific training programmes, the Council will still need to be compliance with the Public Contract Regulations 2015.

The levy is intended to last an initial 3 years; however, the programmes procured under this scheme may go over that duration. In addition, the evolution of the schemes introduced by the government have evidenced that apprenticeships training obligations on local authorities is likely to remain in place for longer than 3 years. It is for this reason that the duration of the contract is proposed to be for an initial term time of 5 years with the possibility to extend of another 5 years. Under the DPS the Council does not have an obligation to place any specific contracts and reserves the right to terminate it at any time, should the services not be needed any longer. Additionally, the Council may utilise this agreement to access training providers for other ad-hoc requirements which may arise from time to time.

Contracting Approach

It is the intention of the Council to procure the services through a Dynamic Purchasing System (DPS) that will allow the Council to access Skills Funding Agency approved providers in a manner compliant with the requirements of the Public Contract Regulations, Schedule 3 (Light Touch Regime). The procurement will be a collaborative exercise open to the London councils. The DPS will result in the creation of a list of approved providers. Specific requirements will be procured within the appropriate level as and when required.

The DPS is intended to be used to address some of the short term training needs. A broader training needs analysis is to be completed as part of the workforce planning activities and will be subject to CLT approval prior to commissioning through the DPS.

Community Benefits

The standard 'community benefit' schedule will not be appropriate for this contract. However, the delivery of this contract is directly linked to the production of employment and upskills of the local community.

Contract Ref & Title	CS5276 Child and Adolescent Mental Health Service (CAMHS)		
Procurement Category:	Health and Social Care	Funding:	Children Social Care
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	19/09/2017	Contract Duration and Extensions:	36 months
Value P/A:	Up to £425,000	Value Total:	Up to £1,275m
Reviewed by Competition Board <input type="checkbox"/>	18/09/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input checked="" type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

This contract is to enhance the borough's Child and Adolescent Mental Health Services (CAMHS) for children and young people. The core service is commissioned by Tower Hamlets CCG from whom the provision of CAMHS is a statutory responsibility. However, the local authority also has a role in improving health outcomes for children and young people and we have historically contributed towards an integrated offer to ensure provision is available across the continuum of need, in particular to ensure provision is available for those who do not meet the thresholds for specialist services. The Council also funds a CAMHS social work team who are integrated with the ELFT CAMHS team and across Children's Social Care.

Contracting Approach

We are seeking approval to enter into a S75 Agreement with Tower Hamlets CCG who hold the contract for CAMHS with the East London Foundation Trust (ELFT). This is an arrangement we have had historically with health partners and in order to ensure we continue to have a co-ordinated offer for children and young people we aim to adopt the same approach for the next 3 years. The current S75 agreement with Tower Hamlets CCG will come to an end on 31st March 2018 and we are seeking to enter into a new agreement from 1st April 2018. Whilst the CCG holds the contract the Council is responsible for drafting the specification for this element of the service which will be incorporated into the overall contract.

Community Benefits

Whilst the contract will be held by Tower Hamlets CCG through the S75 agreement we will ensure that community benefits are included as a requirement.

Contract Ref & Title	CS5268: Overnight Short Breaks for Young People with Complex needs		
Procurement Category:	Health and Social Care	Funding:	Children's Social Care; Short Breaks and Family Support
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	18/12/2017	Contract Duration and Extensions:	36 Months plus 24 Months
Value P/A:	Up to £550,000	Value Total:	£2,750,000.00
Reviewed by Competition Board <input type="checkbox"/>	11/12/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

Local authorities are required under the Children Act 1989 to provide services designed to give breaks for carers of disabled children. The 'Breaks for Carers of Disabled Children Regulations' (2010) sets out what local authorities should do to meet their duties in relation to the provision of short breaks. Services for children and young people with a disability are also developed in the context of other related Acts such as the Children Act 1989, the Children Act 2004, the Equality Act 2010, the Children and Families Act 2014 and the Care Act of 2014.

The procurement of provision of overnight and related short breaks for children and young people meets our requirements under this legislative framework and to deliver on our short break local offer.

Approximately 800+ children and young people receive a specialist short break per annum. Overnight respite short breaks are part of the wider short breaks offer. Not all children and young people eligible currently benefit from a break and we aim to increase numbers within available budgets in this commissioning exercise. The breaks will form part of the Council's Local Offer in line with the Children and Families Act (2014) – SEND Reforms.

We are seeking approval to tender the service and increase the contract period to 36 months plus a 24 months optional extension, in order to secure continuity of care for children and families and consistency for providers to encourage greater investment in services. Current overnight respite provision includes:

Overnight Short Breaks for Young People with Complex needs children.

Residential holiday provision, after school clubs and Saturday clubs are also provided within this block contract. Spot purchase provisions are included within both overnight contracts allowing Adults Services (Community Learning Disabilities Service) to spot purchase overnight respite for 18-21 year olds who accessed the provision as children. The contracts also include provision to spot purchase emergency beds for Looked After Children with Disabilities.

The current contract comes to an end on 31st May 2018. We are aiming to go out to tender in mid- December 2017, with the new contract being mobilised in March 2018, for a 1st June 2018 new contract start date.

Contracting Approach

This contract will be advertised via an open tender process. Children’s commissioning is in the process of undertaking consultation with service users, families and carers to inform the ITT of the new contracts. We intend to involve parents and young people in the evaluation panels and processes for this tender.

Community Benefits

Community benefits will be inherent in the service specification and method statement for this contract, which requires parent forums as part of this service. Other non-cashable benefits to be delivered from the successful supplier include recruiting locally; offering training opportunities to parents; where possible offering training and employment opportunities to previous service users as well as to parents; and 3 work experience placements for young people aged 16 plus per year.

Contract Ref & Title	CS5269: Overnight Short Breaks for Young People with Autism & challenging behaviour		
Procurement Category:	Health and Social Care	Funding:	Children’s Social Care; Short Breaks and Family Support
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	18/12/2017	Contract Duration and Extensions:	36 Months plus 24 Months optional extension
Value P/A:	Up to £550,000	Value Total:	36 months plus 24 months optionally extension: £2,750,000.00
Reviewed by Competition Board <input type="checkbox"/>	11/12/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

Local authorities are required under the Children Act 1989 to provide services designed to give breaks for carers of disabled children. The ‘Breaks for Carers of Disabled Children Regulations’ (2010) sets out what local authorities should do to meet their duties in relation to the provision of short breaks. Services for children and young people with a disability are also developed in the context of other related Acts such as the Children Act 1989, the Children Act 2004, the Equality Act 2010, the Children and Families Act 2014 and the Care Act of 2014. The procurement of provision of overnight and related short breaks for children and young people meets our requirements under this legislative framework and to deliver on our short break local offer.

Approximately 800+ children and young people receive a specialist short break per annum. Overnight respite short breaks are part of the wider short breaks offer. Not all children and young people eligible currently benefit from a break and we aim to increase numbers within available budgets in this commissioning exercise. The breaks will form part of the Council’s Local Offer in line with the Children and Families Act (2014) – SEND Reforms.

We are seeking approval to award the contract for 36 months plus a 24 month optional extension in order to secure continuity of care for children and families and consistency for providers to encourage greater investment in services. Current overnight respite provision includes:

Overnight Short Breaks for Young People with Autism & challenging behaviour
Residential holiday provision, after school clubs and Saturday clubs are also provided within this block contract. Spot purchase provisions are included within both overnight contracts allowing Adults Services (Community Learning Disabilities Service) to spot purchase overnight respite for 18-21 year olds who accessed the provision as children. The contracts also include provision to spot purchase emergency beds for Looked After Children with Disabilities.

The current contract for comes to an end on 31st May 2018. We are aiming to go out to tender in mid-December 2017, with the new contract being mobilised in March 2018, for a 1st June 2018 new contract start date.

Contracting Approach

This contract will be advertised via an open tender process. Children’s commissioning is in the process of undertaking consultation with service users, families and carers to inform the ITT of the new contracts. We intend to involve parents and young people in the evaluation panels and processes for this tender.

Community Benefits

Community benefits will be inherent in the service specification and method statement for this contract, which requires parent forums as part of this service. Other non-cashable benefits to be delivered from the successful supplier include recruiting locally; offering training opportunities to parents; where possible offering training and employment opportunities to previous service users as well as to parents; and 3 work experience placements for young people aged 16 plus per year.

Contract Ref & Title	CS5274 - Supervised Birth Family Contact		
Procurement Category:	Health and Social Care	Funding:	Children’s social care
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	09/11/2017	Contract Duration and Extensions:	5 years
Value P/A:	Up to £150,000	Value Total:	Up to £750,000
Reviewed by Competition Board <input type="checkbox"/>	08/11/2017	<input type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

The Council has a statutory duty to provide supervised contact for children and young people known to Children’s Social Care.

We aim for the majority of our supervised birth family contact for children in need, children in need of protection and children looked after to be undertaken through our in house service at Eva Armsby Family Centre. There are times when this cannot be done at Eva Armsby Family Centre for example at weekends (when the centre is not open), in the evening and on occasions when the family court stipulates that Eva Armsby Family Centre should not provide contact for a particular case. Eva Armsby Family Centre also does not normally undertake contact in the community or in the family home. There are also times when the family court orders birth family contact and there is no immediate contact availability at the Eva Armsby Family Centre. In all these cases we need to have an alternative provider in the borough or near to the borough that is able to provide contact in the short and sometimes medium term.

Contracting Approach

Historically we have partnered with other Local Authorities (through the East London Solutions Group) to tender for external organisations to provide this service. The aim was to secure the services of a number of providers who were able to match the demand that we could not meet. We also aimed to raise quality and establish a best value price for the service. The last initiative came to end in 2016. There is currently only one

external provider in the borough which provides this service. We currently spot purchase from this provider.

We are now seeking approval to tender for this service in this financial year through an open tender process to ensure we have sufficient supplementary provision to complement our in house offer.

Community Benefits

Having an in house and partner external providers in the borough for supervised birth family contact will benefit the local community as this will enable the majority (if not all) contact to be provided both in the borough and, where appropriate, local to where children and their families live.

Contract Ref & Title	CS5275 - Speech and Language Therapy (SLT) Service		
Procurement Category:	Care & Commissioning	Funding:	Children's Social Care; Short Breaks and Family Support
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	01/11/2017	Contract Duration and Extensions:	36 months
Value P/A:	Up to £250k	Value Total:	Up to £750k
Reviewed by Competition Board <input checked="" type="checkbox"/>	18/09/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

The Council has a statutory duty to provide support for children and young people with special educational needs. One such service is speech and language therapy support which is delivered in the borough's schools. This service has historically been commissioned by the local authority with additional speech and language therapy commissioned by Tower Hamlets Clinical Commissioning Group.

This contract is to develop an integrated Speech and Language Service with Tower Hamlets CCG as services are currently delivered by the same provider.

Contracting Approach

We are seeking approval to enter into a Section 75 Agreement with Tower Hamlets CCG who will be the lead commissioner and hold the contract for services on behalf of the Local Authority and the CCG.

Community Benefits

Whilst the contract will be held by Tower Hamlets CCG through the Section 75 agreement we will ensure that community benefits are included as a requirement.

Contract Ref & Title	CS5277 Externally commissioned placements for children looked after		
Procurement Category:	Health and Social Care	Funding:	Children's Social Care
Invitation to Tender <input type="checkbox"/> Contract Signature <input checked="" type="checkbox"/>	01/11/2017	Contract Duration and Extensions:	60 Months
Value P/A:	Up to £5 million	Value Total:	Up to £25 million
Reviewed by Competition Board <input checked="" type="checkbox"/>	18/09/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input checked="" type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

We currently have around 330 children looked after by the council. This figure changes, sometimes on a daily basis, due to children coming into and leaving the care of the council. The majority of children are placed in foster care and the majority of these are placed within our in house foster care service. We also have up to 6 children placed within our in house residential home. As we are not able to place all children within our in house provision we commission external placements with Independent Fostering Agencies, Residential children home providers and Residential schools (for those children with complex needs). We are currently undertaking a review of our Sufficiency Duty in order to best determine the provision for providing externally commissioned placement when required. The contract will set on a firm basis the process for externally commissioning placements with quality assured and best value providers.

Contracting Approach

We currently commission externally provided placements by approaching providers who have registered with the Pan London Contract through London Councils. London Councils, as well as registering a provider, undertake the annual fee review and issues the Pan London Contract (the current version of which is now in place). We have also operated a 'preferred list' through the East London Solution and the North East London Children Efficiency Board group of authorities. This has not been entirely successful.

For children who need placements but who cannot be placed in house, via the Pan London Contract or the 'preferred list' we spot purchase. The contracting approach will continue this mixed provision of Pan London Contract providers, a 'preferred list' and spot purchase as a final option when all other options have been considered. We are therefore seeking approval to continue to spot purchase from the Pan London Contract and to spot purchase with other providers when needs cannot be met through this route.

Community Benefits

The overall aim will be for children looked after to be placed, as long as this is safe to do so, as near as possible to where they live. A mixed contracting approach under pinned by our reviewed Sufficiency strategy will allow the community to be assured that children who have to be placed in our care are placed at first within our in house provision, and where this is not possible they are placed in quality assured and best value placements.

Contract Ref & Title	THH5073 – Consultancy Support for Capital Works		
Procurement Category:	Construction & FM	Funding:	Delegated Revenue
Invitation to Tender <input type="checkbox"/> Contract Signature <input type="checkbox"/>	Request for Additional Framework Value	Contract Duration and Extensions:	60 Months
Value P/A:	£1.4M	Value Total:	£7m
Reviewed by Competition Board <input checked="" type="checkbox"/>	18/09/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input checked="" type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

Cabinet agreed an initial approval the sum of £3.2M for this procurement at the Cabinet meeting of 26 July 2016 – Quarter 2 (2016 / 2017).

Following recent high profile fires the investment need in relation to fire safety and related works has significantly increased. In addition recent events have highlighted the need to ensure that new contracts have sufficient capacity to effectively deal with significant changes that may occur in investment need as a result of market and other factors. It is proposed that financial capacity for this framework is increased to £7M over its full term. This report is in relation to the framework financial capacity only. The actual expenditure via the framework will be approved via the budget setting process.

Contracting Approach

The procurement of Multi-Disciplinary Consultancy support for the 5 Year Capital works programme. To include surveying and definition of the scope of works, cost management, quality management and health and safety services. The market for delivering this service is well developed and competitive. There are suitable firms operating at local, regional and national level that are likely to bid for the contract.

The procurement will be carried out in accordance with the EU Restricted Procedure. The advert will be published in OJEU, Council website and Contract Finder via the Council's tendering portal. In response to the notices suppliers interested in tendering will be required to formally express an interest in order to gain access to the Standard Questionnaire (SQ).

The scale of the programme should achieve pricing efficiencies. Year on year savings are expected to be achieved through management efficiencies. Performance Indicators will be included and will inform a performance framework. Allocation of annual works orders (Call offs) will be dependent on achieving the required performance targets (lead in period to be allowed for) within the preceding year.

Regular client/contractor progress meetings to take place and standard reporting formats for cost, programme progress and asset management reporting will be defined at tender stage.

Community Benefits

Community benefits and apprenticeships will be included as per the standard LBTH requirement (value driven). Consultants' achievement of the requirements will be monitored by the THH management resource allocated to the contract.

Contract Ref & Title	THH5071 - Major Internal & Externals Works		
Procurement Category:	Construction & FM	Funding:	Delegated Capital
Invitation to Tender <input type="checkbox"/> Contract Signature <input type="checkbox"/>	Request for Additional Framework Value	Contract Duration and Extensions:	60 Months
Value P/A:	£27m	Value Total:	£135m
Reviewed by Competition Board <input checked="" type="checkbox"/>	18/09/2017	<input checked="" type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input checked="" type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

Cabinet agreed an initial approval sum of £92m for this procurement at the Cabinet meeting of 26 July 2016 – Quarter 2 (2016 / 2017).

Following recent high profile fires the investment need in relation to fire safety and related works has significantly increased. In addition recent events have highlighted the need to ensure that new contracts have sufficient capacity to effectively deal with significant changes that may occur in investment need as a result of market and other factors.

It is proposed that financial capacity for this framework is increased to £135M over its full term.

This report is in relation to the framework financial capacity only. The actual expenditure via the framework will be approved via the budget setting process.

Contracting Approach

The market for delivering this service is well developed and competitive. There are suitable firms operating at local, regional and national level that are likely to bid for the contract.

The procurement is being carried out in accordance with the EU Restricted Procedure. The advert will be published in OJEU, Council website and Contract Finder via the Council's tendering portal. In response to the notices suppliers interested in tendering will be required to formally express an interest in order to gain access to the Standard Questionnaire (SQ).

The scale of the programme should achieve pricing efficiencies. Year on year savings are expected to be achieved through management efficiencies.

Performance Indicators will be included and will inform a performance framework. Allocation of annual works orders (Call offs) will be dependent on achieving the required performance targets (lead in period to be allowed for) within the preceding year.

Regular client/contractor progress meetings to take place and standard reporting formats for cost, programme progress and asset management reporting will be defined at tender stage.

Community Benefits

Community benefits and apprenticeships will be included as per the standard LBTH requirement (value driven). Contractor achievement of the requirements will be monitored by the THH management resource allocated to the contract.

Contract Ref & Title	CS5273 Tower Hamlets Young People's Assessment and Support Service		
Procurement Category:	Health and Social Care	Funding:	Children's Social Care
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	19/09/2017	Contract Duration and Extensions:	36 months
Value P/A:	£245,000	Value Total:	£735,000
Reviewed by Competition Board <input type="checkbox"/>	18/09/2017	<input type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input type="checkbox"/> Collaboration <input type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

The Young People's Assessment and Support Service will provide a 'direct access' responsive service working with young people with a range of complex needs. The Primary focus of the service is to assess young people not in care while working in close partnership with the London Borough of Tower Hamlets (LBTH) to alleviate the need to place vulnerable homeless young people in to bed and breakfast accommodation and to promote their safe return home or developing a clear pathway into independent permanent accommodation through the mediation and reconnection process delivered by the authority.

The Young People's Assessment and Support Service will support a minimum of 12 young people living in furnished shared accommodation at any one time. Two of the bed spaces will provide emergency bed/ crash pad facility. All referrals to the service will be through established referral route managed by and including the Housing Options and Support Team (HOST).

Physical requirements for the service include the provision of a building within LBTH that is appropriate to the nature of the client group. It will not be sited in the vicinity of any community facility which might present risk or perceived risk to the service users living in the scheme.

The service will provide a minimum of 12 shared units with all facilities and communal areas. There will be controlled access through a single entrance and exit point which is monitored via CCTV and sufficient office facilities that allow for private interview space, communal activities and staff sleep in space.

Contracting Approach

The preferred procurement approach is to undertake an open tender. The tender will offer a 3 year contract to give both stability to the service and facilitate changes and focusing to meet future as well as current need.

Community Benefits

Community benefit is integral to the procurement process for the Young People's Assessment and Support Service. All bidders will be required to submit a response outlining how they will demonstrate their ability to deliver;

- Funding, contribution and attendance at a minimum of 1 local job fair per annum.
- Local apprenticeships, trainees, volunteers and graduates that will be employed annually throughout the lifetime of the contract. This will include opportunities for career progression for local people employed within the contract.
- An agreed percentage of agency staff recruited via local recruitment agencies in LBTH.
- An agreed number of vacancies recruited from the local community, making use of employment agencies that operate in LBTH.
- An agreed number of the support programme placements will offer to assist people with Learning Disabilities, Physical Disabilities or Mental Health problems to get into paid employment.
- Details of any programmes, placements or opportunities the organisation will be able to offer to assist unemployed people back into work and the target numbers you intend to offer.

Contract Ref & Title	R5120 Library Services Platform		
Procurement Category:	Corporate Services	Funding:	Budget novated to and managed by Agilisys
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	18/09/2017	Contract Duration and Extensions:	48 months + 24 months extension
Value P/A:	£140,000	Value Total:	£840,000
Reviewed by Competition Board <input checked="" type="checkbox"/>	18/09/2017	<input type="checkbox"/> London Living Wage <input type="checkbox"/> New Procurement <input checked="" type="checkbox"/> Collaboration <input checked="" type="checkbox"/> Re-procurement of existing Contract	

Scope of Contract

The London Borough of Tower Hamlets is seeking to procure a new Library Management System (LMS). The current annual cost of our LMS contract is £80,000 and includes funding for a managed service.

The LMS is the primary system that records, controls and enables customer access to Tower Hamlets library resources. It manages around 350, 000 items of physical stock and over 70,000 users within Tower Hamlets and a further 6 million items of stock across London libraries. Because of Tower Hamlets' membership of the London Libraries Consortium residents have free access to these items and the LMS manages all inter-authority activity. It also supports access to a growing number of e-resources such as music, ebooks, audiobooks, magazines and reference materials. In addition to managing customer access the LMS streamlines back office functions such as the acquisition of stock and processing of payments and also provides performance information.

Contracting Approach

The London Borough of Tower Hamlets has been a member of the London Library Consortium (LLC) since it joined in 2007. Membership of the LLC has brought significant benefits to the authority. The aim of the procurement exercise is to implement a new LMS that is affordable, does not increase consortium member costs and delivers savings on current spend if possible.

The LLC is one of the largest consortia of its kind, with significant opportunities to grow whilst delivering further efficiency savings.

To exercise the procurement, LLC have appointed consultants, "PM Sport, Libraries and Leisure Ltd", to manage the procurement process, with their costs being funded by a shared development pot that the LLC has set up with Axiell to develop new products and functionality through the existing LMS. The LLC's consultants will undertake all arrangements for supplier briefings and market engagement. The LLC have decided that it is more important to procure a new LSP than invest in the existing LMS, for the reasons set out above. There will be no additional revenue costs to the London Borough of Tower Hamlets of as a result of this approach

Community Benefits

Residents have access to over 6 million books across approximately 70 libraries in (currently) 18 different local authorities, through one library membership card; significant investment in Information and communications technology (ICT) and achieving economies of scale, which has delivered efficiency savings in all LLC member authorities will serve to continue with improvements to this service for residents.

Changes in technology mean that an increasingly large proportion of services are delivered electronically: eBooks, audiobooks, magazines, music downloads are just a selection of the services that are no longer restricted to hard copy; further services (e.g. some business information services) are only available in e format. It is the expectation now that a library services platform facilitates access to all these services. There is also an expectation from customers that they can access library services and manage their library accounts in a variety of ways that were not available 10 years ago via, tablets and smartphones. An effective Library Services Platform will result in: improved digital skills; reduced digital exclusion; increased usage of public services online; and access to the internet.

Contract Ref & Title	CLC5255 Parking Income Collection Services		
Procurement Category:	Corporate Services	Funding:	Parking Revenue Account
Invitation to Tender <input checked="" type="checkbox"/> Contract Signature <input type="checkbox"/>	11/09/2017	Contract Duration and Extensions:	5 years plus 2
Value P/A:	£150,000	Value Total:	£1,050,000

Reviewed by
Competition Board

18/09/2017

London Living Wage New Procurement
 Collaboration Re-procurement of existing Contract

Scope of Contract

The project is to tender two contracts for Parking & Mobility Services; Lot1 Cash Collection & Lot2 Cashless Parking. Both contracts expire on 31/11/2017. Both contracts are in their final year and allows 'cashless' payments and the collection of cash from Pay & Display machines both for short stay parking.

The cash collection contract estimated value is £30k pa (£150k over 5 years) and the current provider is Jade Security. The cashless parking contract estimated value is £120k pa (£600k over 5 years) and the current Provider is Pay By Phone.

The cash collection contract allows the collection of cash deposited in the Council's 150 cash pay and display machines. The cashless parking contract provides the means by which residents and drivers can pay for the borough-wide short-stay parking in designated bays over their mobile phone.

Borough wide short stay parking within designated parking bays and Controlled Parking Zones which ensure there is a turnover of on-street parking spaces, serving residents and businesses. Short stay parking also allows Blue Badge holders to park close to their destinations and reduces long stay parking by commuters e.g. max stay of 4 hours. Short stay parking allows the council to fulfil its obligations of allowing vehicles to park without being in contravention of parking regulations.

11.5% of parking transactions in May 2017 were made via the cash pay and display machines. The remaining 88.5% of transactions were made by the cashless method.

This new contract will be limited to cash collection and cashless parking and will not impact on other types of enforcement including the issuing of PCNs. This project if successfully implemented and awarded will continue business as usual. The tendering of this contract is contained within the Parking Service Plan and the process forms part of the process of Parking & Mobility achieving the Council's Transport Strategic Environmental Policy.

Contracting Approach

It is proposed to seek contracts of 5 years with the option to extend for 2 further years. It is understood that the expectation of the market is that contracts of this length will be offered by local government as this term allows sufficient time for companies to recoup their investment in new technology.

The contracts will be let to the most economically advantageous tender based upon a balance of price (40%) and Quality (60%). The tender strategy would entail use of the Restricted Procedure and would be advertised in the Official Journal of the European Union (OJEU). Bidders will have to first complete a pre-qualification stage (to establish financial viability and technical capacity) prior to being shortlisted for an invitation to tender. The potential value of this procurement means that the Council is obliged to advertise this contract in OJEU and the time limits for each stage of the tender process are stipulated by the Public Procurement Regulation 2015.

Although these contracts are for dissimilar services which appeal to different markets, it is proposed to undertake a single tender with the contracts offered under two separate lots. The new contracts will be required to commence at the same time and the procurement processes will need to be run at the same time. Running a single procurement rather than two separate, parallel tenders will enable the project to be run more efficiently.

For Cashless parking there are a number of specialist providers offering these services companies such as Pay by Phone, Parkmobile, Ringo, ParkRight.

Cash collection operates in a different market - namely security services. The market for these services is very large. There are around 800 companies listed as approved in the Security Industry Authority Approved contractor scheme.

As set out above in the summary, it is proposed to use the Restricted Tender Process for this procurement as this will allow, particularly in the case of cash collection, for the field to be narrowed (to a minimum of 5 bidders on each lot) prior to the invitation to tender.

Both of these services have been provided under contract for 5 years. For the cashless parking the skills and infrastructure do not exist within the Council to provide this highly specialised service. Cash collection and general security services is a highly competitive market, it's unlikely that the Council could provide an in-house service for the same or lower cost as the contracted supplier.

There are no conflicts with current or planned projects across the council and no other departments in the council, and no other department has the legal obligation to perform this or similar service.

Community Benefits

Community benefits commensurate with the contract size will be sought from the provider through the tender process. Benefits would be expected to include local employment opportunities, work placements, volunteer opportunities etc.

London Borough of Tower Hamlets
Procurement Forward Plan 2017-2022
250K +



Directorate	Corporate	Existing Contract	Contract Title	Start Date	Expiry Date	Total/Estimated	Lead Member	Band
CS	Debbie Jones	E3943	Supply 1/3 Pint Milk for Schools and Fresh Milk for School and welfare	01/09/2012	30/08/2017	370,000.00	ClIrr Amy Whitelock Gibbs	Band 2
HAC	Denise Radley	ESCW(PH)4710	Child & Family Weight Management Service	01/02/2015	31/01/2018	1,292,049.00	ClIrr Denise Jones	Band 3
HAC	Denise Radley	ESCW (PH) 4770	Breast Feeding Support	01/03/2015	31/01/2018	984,093.00	ClIrr Denise Jones	Band 2
HAC	Debbie Jones	AHS4692	Young Persons Assessment and Support Services	01/03/2016	28/02/2018	345,868.00	ClIrr Amy Whitelock Gibbs	Band 2
HAC	Denise Radley	ESCW(AHWP)4769	Hamlets Way and Teresa House	01/04/2015	31/03/2018	1,718,995.00	ClIrr Denise Jones	Band 3
RE	Zena Cooke	R4799	Leaseholders Building Insurance	04/04/2015	31/03/2018	3,338,500.11	ClIrr David Edgar	Band 3
RE	Zena Cooke	R4800	Motor, Engineering, Commercial Property and School Journeys	01/04/2015	31/03/2018	386,257.61	ClIrr David Edgar	Band 2
HAC	Denise Radley	ESCW (PH) 4509	Public Health Pharmacy Contracts	01/10/2015	31/03/2018	1,818,000.00	ClIrr Denise Jones	Band 3
CS/HAC	Debbie Jones &	CSF4029	Framework i - Social Care	04/04/2006	01/04/2018	816,000.00	ClIrr Denise Jones & ClIrr Amy	Band 2
HAC	Denise Radley	ESCW4471	Residential Short Breaks	01/05/2015	30/04/2018	858,630.00	ClIrr Denise Jones	Band 2
CS	Debbie Jones	ESCW(CSF)4776	Overnight and related short breaks for Children and Young People with	01/06/2015	31/05/2018	1,587,507.00	ClIrr Amy Whitelock Gibbs	Band 3
CS	Debbie Jones	ESCW(CSF)4828	Overnight and Related Short Breaks for children and Young People with	01/06/2015	31/05/2018	1,558,734.00	ClIrr Amy Whitelock Gibbs	Band 3
HAC	Denise Radley	ESCW(PH)4711	School Health Service	01/05/2015	31/05/2018	4,742,757.00	ClIrr Denise Jones	Band 3
G	Asmat Hussain	LPG3878	Print and Design Framework	05/06/2015	04/06/2018	12,503,400.00	ClIrr David Edgar	Band 3
P	Ann Sutcliffe	DR4967	Architectural Design Services	04/01/2016	03/07/2018	617,525.00	ClIrr David Edgar	Band 2
P	Debbie Jones	CS5044	Supply of Catering Disposables	01/09/2014	31/08/2018	500,000.00	ClIrr Amy Whitelock Gibbs	Band 2
P	Zena Cooke	R4206	Pan London Out of Hours Service	10/01/2012	30/09/2018	1,000,000.00	ClIrr David Edgar	Band 3
P	Zena Cooke	R4725	Office Stationery	01/04/2015	30/09/2018	1,740,000.00	ClIrr David Edgar	Band 3
RE	Denise Radley	ESCW (PH) 4557	Fit 4 Life Specialist Weight Management	01/10/2015	30/09/2018	569,967.00	ClIrr Denise Jones	Band 2
RE	Denise Radley	ESCW (PH) 4661	Fit 4 Life Group	01/10/2015	30/09/2018	269,809.00	ClIrr Denise Jones	Band 2
RE	Denise Radley	ESCW (PH) 4660	Fit For Life Centre	01/10/2015	30/09/2018	331,960.00	ClIrr Denise Jones	Band 2
RE	Ann Sutcliffe	H3948	Concierge and Related Security Services	03/10/2013	02/10/2018	3,000,000.00	ClIrr Sirajul Islam	Band 3
RE	Zena Cooke	R4841	Business Rates Rating Specialists	02/11/2015	01/11/2018	1,000,000.00	ClIrr David Edgar	Band 3
CS	Debbie Jones	ESCW4900	Contract for the supply of fresh and frozen meat	01/04/2016	31/12/2018	2,650,000.00	ClIrr Amy Whitelock Gibbs	Band 3
CS	Debbie Jones	ESW(CSF)4935	Befriending Short Breaks	01/02/2016	01/01/2019	367,320.00	ClIrr Amy Whitelock Gibbs	Band 2
CS	Debbie Jones	CLC4418	Film Concessions Contract	01/04/2014	31/03/2019	600,000.00	ClIrr Abdul Mukit	Band 2
P	Ann Sutcliffe	DR4727	Framework Agreement Dangerous Structures	01/04/2015	31/03/2019	320,000.00	ClIrr Amina Ali	Band 2
CS	Debbie Jones	ESCW(CSF)4936	Holiday weekend and after school short breaks	01/04/2016	31/03/2019	750,000.00	ClIrr Amy Whitelock Gibbs	Band 2
HAC	Denise Radley	ESCW (PH) 4905	Health Visiting/Family Nurse Partnership	01/04/2016	31/03/2019	21,933,000.00	ClIrr Denise Jones	Band 3
CS	Debbie Jones	CS2436	Leisure Management Contract	01/05/2004	30/04/2019	23,550,000.00	ClIrr Abdul Mukit	Band 3
RE	Zena Cooke	R3886	Future Sourcing of Back Office (ICT Partnership)	01/05/2012	30/04/2019	64,546,623.00	ClIrr David Edgar	Band 3
CS	Debbie Jones	CS4956	Children's Advocacy Service	01/07/2016	28/06/2019	550,440.00	ClIrr Amy Whitelock Gibbs	Band 2
P	Ann Sutcliffe	CLC4371	Highway Maintenance and Improvement Works	01/07/2014	30/06/2019	60,500,000.00	ClIrr Amina Ali	Band 3
HAC	Denise Radley	PH4397	Mental Health Recovery and Wellbeing	01/07/2016	30/06/2019	4,280,730.00	ClIrr Denise Jones	Band 3
HAC	Denise Radley	PH 5045	Healthy Teeth in Schools	01/09/2016	31/07/2019	750,000.00	ClIrr Denise Jones	Band 2
HAC	Denise Radley	CLC4784	Adult Drug and Alcohol Services	01/10/2016	01/10/2019	4,558,445.00	ClIrr Denise Jones	Band 3
RE	Zena Cooke	R5108	MTFS Support - Financial Strategy and Transformation Programme	10/10/2016	10/10/2019	700,000.00	ClIrr David Edgar	Band 2
CLC	Denise Radley	CLC5033	Independent Domestic Violence Advocacy and Violent Crime	01/01/2017	31/12/2019	540,000.00	ClIrr Asma Begum	Band 2
HAC	Denise Radley	AHS5034	Mental Health Forensic Accommodation Based Service	01/04/2017	31/03/2020	1,899,995.00	ClIrr Denise Jones	Band 3
HAC	Denise Radley	AHS5035	Heather Lodge and Glaucus street	01/04/2017	31/03/2020	336,359.00	ClIrr Denise Jones	Band 2
HAC	Denise Radley	AHS5041	Mental Health Family and Carer Support Services	01/04/2017	31/03/2020	742,000.00	ClIrr Denise Jones	Band 2
HAC	Denise Radley	AHS5098	IMCA AND IMHA Advocacy Services	01/04/2017	31/03/2020	1,499,000.00	ClIrr Denise Jones	Band 3
HAC	Denise Radley	AHS5110	Daniel Gilbert House Supported Housing Accommodation for	01/04/2017	31/03/2020	1,692,585.00	ClIrr Denise Jones	Band 3

London Borough of Tower Hamlets
Procurement Forward Plan 2017-2022
250K +



Directorate	Corporate	Existing Contract	Contract Title	Start Date	Expiry Date	Total/Estimated	Lead Member	Band
HAC	Denise Radley	AHS5112	LinkAge Plus	01/04/2017	31/03/2020	1,923,000.00	CLlr Denise Jones	Band 3
HAC	Denise Radley	AHS5129	Providence House	01/04/2017	31/03/2020	809,681.49	CLlr Denise Jones	Band 2
RE	Zena Cooke	CLC4903	Supply & Servicing of Library Acquisitions	01/04/2016	31/03/2020	810,000.00	CLlr David Edgar	Band 2
P	Ann Sutcliffe	EC2713	Municipal Waste Management (Cleansing)	28/02/2006	31/03/2020	57,200,000.00	CLlr Rachel Blake	Band 3
HAC	Denise Radley	AHS 5186	Health Promotion and HIV Support	01/08/2017	31/07/2020	690,000.00	CLlr Denise Jones	Band 2
P	Ann Sutcliffe	DR4932	Removal and Storage Services	11/08/2016	10/08/2020	374,000.00	CLlr David Edgar	Band 2
CS	Debbie Jones	CS5031	London Dock Secondary School Architect Services	01/11/2016	30/09/2020	823,187.50	CLlr Amy Whitelock Gibbs	Band 2
P	Ann Sutcliffe	DR4907	Security Services Framework Agreement	01/11/2016	31/10/2020	5,780,000.00	CLlr David Edgar	Band 3
P	Ann Sutcliffe	DR5027	Estate Management Professional Services	05/12/2016	04/12/2020	520,000.00	CLlr David Edgar	Band 2
P	Ann Sutcliffe	DR5054	Enhanced Rough Sleeping Outreach Service (EROS)	01/04/2017	31/03/2021	1,930,635.00	CLlr Sirajul Islam	Band 3
THH	Ann Sutcliffe	H3190	THH Repairs and Maintenance	01/04/2011	31/03/2021	150,000,000.00	CLlr Sirajul Islam	Band 3
P	Ann Sutcliffe	DR4957	EIA Review Contract	03/10/2016	03/09/2021	2,500,000.00	CLlr Rachel Blake	Band 3
P	Ann Sutcliffe	CLC4951	Arboriculture Contract	01/10/2016	30/09/2021	1,250,000.00	CLlr Amina Ali	Band 3
CS	Debbie Jones	CS5102	London Dock Secondary School Employers Agent Services	01/09/2016	30/09/2021	276,700.00	CLlr Amy Whitelock Gibbs	Band 2
HAC	Denise Radley	AHS5046	Handyperson service	01/01/2017	31/12/2021	361,585.00	CLlr Denise Jones	Band 2
HAC	Denise Radley	AHS&CS5019	The provision of domiciliary care to adults aged 18+	15/01/2017	14/01/2022	21,763,000.00	CLlr Denise Jones	Band 3
HAC	Denise Radley	AHS5036	Huddlestone Close and Grand Union Place	01/04/2017	31/03/2022	321,948.00	CLlr Denise Jones	Band 2
HAC	Denise Radley	AHS5040	High Support and Step down Mental Health Accommodation	01/04/2017	31/03/2022	2,724,037.00	CLlr Denise Jones	Band 3
HAC	Denise Radley	AHS5109	Hackney Road Project Supported Accommodation Services	30/05/2017	31/03/2022	2,331,758.90	CLlr Denise Jones	Band 3
HAC	Denise Radley	AHS5111	Tower Hamlets Floating Support	01/04/2017	31/03/2022	2,483,330.00	CLlr Denise Jones	Band 3
P	Ann Sutcliffe	DR3911	Offsite Data Storage and Destruction of confidential waste	17/06/2012	16/06/2022	4,800,000.00	CLlr David Edgar	Band 3
HAC	Denise Radley	AHWPB4352	Framework for Community Equipment Services	01/09/2012	01/09/2022	2,600,000.00	CLlr Denise Jones	Band 3
P	Asmat Hussain	LPG5029	Healthwatch Tower Hamlets	01/04/2017	31/03/2021	706,876.00	CLlr Denise Jones	Band 2
P	Asmat Hussain	LPG5043	Statutory Public Notices and External Printed Media Advertising	08/05/2017	07/05/2020	1,650,000.00	CLlr David Edgar	Band 3

Agenda Item 5.10

Cabinet 31 October 2017	 TOWER HAMLETS
Report of: Matthew Mannion, Committees Services Manager, Democratic Services	Classification: Unrestricted
Appointments to External Bodies	

Lead Member	Mayor John Biggs
Originating Officer(s)	Joel West, Senior Committee Services Officer
Wards affected	All wards
Community Plan Theme	All
Key Decision?	No

Executive Summary

The Mayor has responsibility for appointing representatives to certain external bodies on behalf of Tower Hamlets Council. This report sets out the appointment and removal of appointees of several outside bodies. The appointments are until further notice, though they will usually be renewed each year.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree to the removal of Councillor John Pierce from the Board of the Norton Folgate Almshouses Charity.
2. Agree to the removal of Councillor Andrew Cregan from the Board of East End Homes.
3. Agree to the appointment of Councillor John Pierce to serve on the Board of East End Homes, to serve until further notice.
4. Agree to the removal of Councillor Rachael Saunders from and the appointment of Councillor Denise Jones, to serve until further notice on:
 - a. East London & The City University Mental Health NHS Trust (East London NHS Foundation Trust),
 - b. East London Nursing Trust and
 - c. the role of Older People's Member Champion.
5. Agree to the appointment of Councillor Amy Whitelock-Gibbs to serve on the Tower Hamlets Education Partnership Advisory Council, to serve until further notice

1. REASONS FOR THE DECISIONS

- 1.1 Appointing representatives to outside bodies increases the Council's engagement with the local community and improves its potential to offer leadership and guidance in relation to activities taking place in the Borough.

2. ALTERNATIVE OPTIONS

- 2.1 The Mayor could decide not to make appointments to outside bodies at all. However, this is not recommended as it would reduce the Council's opportunity to be involved in and to support good work within the community and it would also reduce the Council's leadership opportunities. There are also a number of bodies where the Council is required, or expected to provide a representative.

3. DETAILS OF REPORT

- 3.1 Participating in the work of external bodies is an important part of the role of elected Members, but is different in nature from other aspects such as being a member of a local authority executive or sitting on regulatory committees. In some cases it will involve actively representing and defending the authority's interests on local authority associations. In others it will involve becoming a trustee of a charity or a director of a company limited by guarantee. In this case Members have a duty to act in the best interests of the organisation to which they have been appointed rather than exclusively pursue the authority's interests. There are potential tensions in carrying out this role effectively. To this end guidance will be sent to all those appointed to external bodies.
- 3.2 A key part of this role is ensuring that information about the activities of external bodies is communicated to the Council. Much of this may take place through day to day contact with colleagues or with officers responsible for that area of work, but there is provision where necessary for Members appointed by the Council to report back to a meeting of the Council.

Norton Folgate Almshouses Charity

- 3.3. There is provision for up to three persons (either Councillors, officers or lay persons) to serve on the Board of the Norton Folgate Almshouses Charity. Appointments are normally made for four years.
- 3.4 At the current time, two persons have been nominated as Norton Folgate Almshouses Charity Board members. They are Councillor John Pierce and Mr Dean Jones (layperson). Approvals of these nomination were agreed in 2015/16 and 2017/18 respectively. This report proposes Councillor John Pierce is removed from the Norton Folgate Almshouses Charity Board.

East End Homes

- 3.5 There is provision for up to two persons to serve on the Board of East End Homes. Appointments are normally made for one year.
- 3.6 At the current time, two persons have been nominated as East End Homes Board members. They are Councillor Rachael Saunders and Mr Motin Uz-Zaman (layperson). These nominations were agreed in 2017/18, however, Councillor Saunders has chosen not to take up her nomination to the Board and therefore the Council's current representative on the Board is the former nominee, Councillor Andrew Cregan. This report proposes Councillor Andrew Cregan is removed from the Board of East End Homes and replaced with Councillor John Pierce.

East London & The City University Mental Health NHS Trust

- 3.7 There is provision for up to one Councillor to serve on the Board of the East London & The City University Mental Health NHS Trust (East London NHS Foundation Trust). Appointments are normally made for one year.
- 3.8 At the current time, Councillor Rachael Saunders has been nominated as the Board member. This nomination was agreed in June 2017. This report proposes Councillor Rachael Saunders is removed from the The City University Mental Health NHS Trust and replaced with Councillor Denise Jones.

East London Nursing Society Trust

- 3.9 There is provision for up to one person (either Councillor, officer or lay person) to serve on the Board of the East London Nursing Society Trust. Appointments are normally made for one year.
- 3.10 At the current time, Councillor Rachael Saunders has been nominated as the Board member. This nomination was agreed in June 2017. This report proposes Councillor Rachael Saunders is removed from the The East London Nursing Society Trust and replaced with Councillor Denise Jones.

Older People's Member Champion

- 3.11 This is not an outside body, but a role within the Council that has historically been appointed to via the outside body appointments process. The 2001 National Service Framework (NSF) for Older People introduced the concept of 'Older People's Champions' — individuals (who may be councillors, officers or others) who would play a key role in promoting the interests of older people, particularly in health and social care. The Framework recommended that each local authority nominate an elected Councillor to lead for older people across their council. This Councillor would aim to ensure that older people become and remain a priority within the council and would support the implementation of the NSF and the wider older people's programme.

- 3.12 The Council has continued this practice and nominates one of its Councillors as an Older People's Member Champion. At the current time, Councillor Rachael Saunders has been nominated as the Older People's Member Champion. This nomination was agreed in June 2017. This report proposes Councillor Denise Jones is nominated as the new Older People's Member Champion, to serve until further notice.

Tower Hamlets Education Partnership Advisory Council

- 3.13 The Tower Hamlets Education Partnership is a schools company established by school leaders to deliver high quality school improvement to all Tower Hamlets schools. The stated purpose of the Partnership's Advisory Council is: *"To support the vision and the values of the Partnership, modelling these in its own practice. Reflecting the diversity of schools and their stakeholders it will advise and be consulted by the Board and Executive Director on the strategic direction and performance of the Partnership"*.
- 3.14 The Tower Hamlets Education Partnership Advisory Council is a new outside body; there is not currently a Council appointee. There is provision for up to 1 person to serve on the Advisory Council of the the Tower Hamlets Education Partnership. This report proposes Councillor Amy Whitelock-Gibbs is appointed to the Tower Hamlets Education Partnership Advisory Council.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications arising from the recommendations within this report.

5. LEGAL COMMENTS

- 5.1 Pursuant to Part 3.2.2 of the Constitution, the appointment and removal of Councillors and others to outside bodies is an Executive decision when the appointment relates to executive functions. All of the appointments within this report relate to executive functions and such appointments are therefore for the Mayor in Cabinet to make.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Appointing representatives to outside bodies increases the Council's engagement with the local community and improves its potential to offer leadership and guidance in relation to activities taking place in the Borough.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 There are no specific implications arising from this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no specific implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Where appropriate it is important that any training/support needs of new appointees are identified by the bodies concerned and that appropriate training and support is delivered.
- 9.2 The appointment of representatives to external bodies enables the Council to strengthen links with the community. The appointment of representatives also contributes to the Council's leadership role in the community.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no specific implications arising from this report.

11. SAFEGUARDING IMPLICATIONS

- 11.1 There are no specific implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- Various [Individual Mayoral Decisions](#) relating to outside body nominations as referenced above.

Appendices

- NONE

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


- NONE.

Officer contact details for documents:

Joel West, Senior Committee Services Officer, 020 7364 4207

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Agenda Item 5.11

Cabinet 31 October 2017	 TOWER HAMLETS
Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Mayor's Individual Executive Decisions – List of Recently Published Decisions	

Lead Member	Mayor John Biggs
Originating Officer(s)	Matthew Mannion, Committee Services Manager
Wards affected	All wards
Key Decision?	No
Community Plan Theme	All

Executive Summary

The Council's Constitution provides for the Mayor to take Executive decisions either at meetings of Cabinet or outside of the meetings as Individual Mayoral Decisions.

These individual decisions are published on the Council's website but to aid transparency, this noting report lists recent individual decisions that have been taken.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the Individual Mayoral Decisions set out in the Appendices.

1. REASONS FOR THE DECISIONS

- 1.1 This is a noting report to aid transparency.
- 1.2 The reasons each decision were taken are set out in their specific reports.

2. ALTERNATIVE OPTIONS

- 2.1 The alternative option would be to not produce this report, but that would not aid transparency of decision making.

3. DETAILS OF REPORT

- 3.1 The Council's Constitution (Part 4.4 Executive Procedure Rules) sets out that "decisions on executive functions are taken by the Mayor, either at the Cabinet meeting or separately". Decisions taken outside of Cabinet are known as Individual Mayoral Decisions.
- 3.2 The majority of decisions are taken at Cabinet meetings but on occasion, due to the nature of the decision (for example, the urgency required), decisions are taken individually by the Mayor outside of the Cabinet meetings.
- 3.3 Any individual decisions taken must follow standard procedures including, for Key Decisions, advance publication of a notice to take the decision on the website. The sign-off sheets containing an introduction to the decisions and the decisions taken along with the full decision reports are published on the website once the decision has been taken and are available on the Tower Hamlets website through www.towerhamlets.gov.uk/committee.
- 3.4 If a specific decision report is Exempt/Confidential under the Access to Information Procedure Rules (Part 4.2 of the Constitution) then notice that the decision has been taken will still be published along with the reason why the report is exempt but the report itself will not be published. In other cases only part of the report may be exempt.
- 3.5 In line with the Constitution, all Individual Mayoral Decisions are subject to the Call-In procedure (Part 4.5 Overview and Scrutiny Procedure Rules). Councillors may call-in the decision within 5 working days of the decision being published on the website.
- 3.6 Each individual decision is given a unique reference number which is recorded on the relevant sign-off sheet and agenda front sheet. Numbers from 101 upwards relate to individual decisions taken by Mayor John Biggs.
- 3.7 The Mayor has requested that, to aid transparency, a noting report be presented at each Cabinet meeting listing recent Individual Mayoral Decisions. The sign-off sheets for each decision are also appended to this report for information.

3.8 The list of decisions to report to this Cabinet meeting are:

List of Individual Mayoral Decisions taken since the last report

Decision Number	Date of Decision*	Report Title	Sign off Sheet
174	11/09/2017	Main Stream Grants Premises Update	Appendix 1
175	11/09/2017	Emergency Funding Application – Phase 9, Shuffle Festival	Appendix 2

* The date of the decision refers to the date of publication on the Council's website.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 This is a noting report. The comments of the Chief Financial Officer in relation to each individual decision have been incorporated into each respective report.

5. LEGAL COMMENTS

5.1 This is a noting report. Legal comments in relation to each individual decision have been incorporated into each respective report.

5.2 The decision making processes set out in the Constitution and outlined above are in accordance with the legislation governing local authority decision making including the Local Government Act 2000 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 None directly related to this report.

7. BEST VALUE (BV) IMPLICATIONS

7.1. None directly related to this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 None directly related to this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 None directly related to this report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 None directly related to this report.

11. SAFEGUARDING IMPLICATIONS

11.1 None directly related to this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices


- As listed under Paragraph 3.8

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

- None

Officer contact details for documents:

- Matthew Mannion, Committee Services Manager, 020 7364 4651

Individual Mayoral Decision Proforma	 TOWER HAMLETS
Decision Log No: <u> 174 </u>	
Report of: Zena Cooke, Corporate Director Resources	Classification: Unrestricted
MSG Premises Update Report	

Is this a Key Decision?	No
Decision Notice Publication Date:	29 August 2017
General Exception or Urgency Notice published?	Yes – this report has been excluded from the Call-In process – details set out in the Urgency Notice
Restrictions:	None
Reason for seeking an Individual Mayoral Decision	Funds being released are critical for the organisations' delivery of MSG programme

EXECUTIVE SUMMARY

The Main Stream Grant (MSG) 2015/18 Programme was approved by Commissioners on 29 July 2015 and runs from 1 September 2015 through to 31 August 2018.

The Programme is made up of five (5) broad Themes covering a range of activities and services. The activities and services are being delivered by a portfolio of projects each of which has targeted outcomes to achieve during the course of the programme period.

This report provides an update on the position regarding four Mainstream Grants' (MSG) recipients that were identified as based in council buildings but did not have an appropriate property arrangement in place and hence required this in order for MSG payments to be released.

The report was considered at the Grants Determination Sub Committee Pre Agenda Meeting which was held on 18th August 2017. Due to the urgency of the decision, at the Mayor's request, it was agreed that this should progress as an Individual Mayoral Decision.

This was to ensure that the groups concerned receive their mainstream grant entitlement (subject to satisfactory performance) at the earliest possible opportunity as their premises issues have satisfactorily progressed.

The decision also ensures no further delays of this nature will occur in the future through the decision to delegate authority to the Corporate Director Resources for these matters.

Full details of the decision sought, including setting out the reasons for the recommendations and/or all the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Head of Legal Services; implications for One Tower Hamlets; Risk Assessment; Background Documents; **and other relevant matters are set out in the attached report.**

RECOMMENDATIONS

Recommendation 1 – Somali Senior Citizens Club

(a) That the Somali Senior Citizens Club continues to receive MSG payments as a result of signing the license extension, and subject to satisfactory performance.

(b) That pending the work to establish the hub at Granby Hall, existing charging arrangements for the use of Granby Hall and the SSCC continues.

Recommendation 2 – Community of Refugees from Vietnam

That having submitted an appropriate property agreement for the Aberfeldy Centre, MSG payments are to be released to the Community of Refugees from Vietnam subject to satisfactory performance.

Recommendation 3 – Citizens Advice Bureau (CAB)

That as the Citizens Advice Bureau have a current valid lease in law as they are 'holding over' on their license whilst a new licence is negotiated with their landlords; MSG payments continue to be paid to the organisation, subject to satisfactory performance.

Recommendation 4 – City Gateway

That following the completion of the lease between the Council and the Ocean Regeneration Trust (ORT) which stipulates that ORT can share the premises with City Gateway; the final MSG payment to City Gateway is released subject to satisfactory performance.

Recommendation 5 – Our Base

That in acknowledgement of Our Base signing the Heads of Terms and in so doing demonstrating a willingness to enter into an appropriate agreement, pending the Council progressing the lease to conclusion, the MSG withheld payments for the period January 2017 – June 2017 be released subject to satisfactory performance.

Recommendation 6

That where MSG related premises conditions are met by organisations in between Grants Determination Sub Committee Meetings, delegated authority be given to the Corporate Director Resources to authorise MSG payments subject to satisfactory performance and in each instance where delegated authority of this nature is used, it should be reported to the next meeting of Grants Determination Sub Committee.

APPROVALS

1. (If applicable) Corporate Director proposing the decision or his/her deputy

I approve the attached report and proposed decision above for submission to the Mayor.

Signed  Date 11/09/17

2. Chief Finance Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

Signed  Date 11/9/17

3. Monitoring Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-

- (a) has been published in advance on the Council's Forward Plan OR
- (b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.


Signed  Date 11/9/17

4. Mayor

I agree the decision proposed in the recommendations above for the reasons set out in paragraphs 3.1, 3.2, 3.3, 3.4 and 3.5 in the attached report.

Signed  Date 11/9/17

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Individual Mayoral Decision Proforma Decision Log No: <u> 175 </u>	 TOWER HAMLETS
Report of: Zena Cooke, Corporate Director Resources	Classification: Unrestricted
Emergency Funding Application – Phase 9, Shuffle Festival	

Is this a Key Decision?	No
Decision Notice Publication Date:	29 August 2017
General Exception or Urgency Notice published?	Yes – this report has been excluded from the Call-In process – details set out in the Urgency Notice
Restrictions:	None
Reason for seeking an Individual Mayoral Decision	Due to time constraints it is not possible to take the report to a formal decision making meeting.

EXECUTIVE SUMMARY

This report seeks a decision with regards to the consideration of grants to Voluntary and Community Organisations in relation to the Council's Emergency Funding Scheme.

One application was received in this period (Phase 9, July 2017) requesting total funding of £14,150. The application has been assessed on its individual merit against the agreed emergency funding criteria, approved at the Commissioners Decision Making Meeting on 27 September 2016. Recommendations have been made accordingly.

The report was considered at the Grants Determination Sub Committee Pre Agenda Meeting which was held on 18th August 2017. Due to the urgency of the decision, at the Mayor's request, it was agreed that this should progress as an Individual Mayoral Decision. This decision was made mindful of the fact that the Shuffle Festival was due to be held on 26th and 27th August 2017 and consequently the outcome of the application for Emergency Funding is urgent.

Full details of the decision sought, including setting out the reasons for the recommendations and/or all the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Head of Legal Services; implications for One Tower Hamlets; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

DECISION

The Mayor is recommended to:

- Approve the officer recommendation not to award emergency funding based on the analysis set out in paragraph 5.3 of this report.
-

APPROVALS


1. (If applicable) Corporate Director proposing the decision or his/her deputy

I approve the attached report and proposed decision above for submission to the Mayor.

Signed  Date 11/09/17...

2. Chief Finance Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

Signed  Date 11/9/17

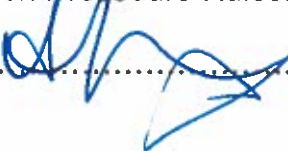
3. Monitoring Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-

- (a) has been published in advance on the Council's Forward Plan OR
- (b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.

Signed  Date 11/9/17

4. Mayor

I agree the decision proposed in the recommendations above for the reasons set out in paragraph 5.3 in the attached report.

I am retrospectively cognising the offer. I understand that the offer has been not as yet been taken up, and that it was agreed that the offer was on emergency grounds did not satisfy the criteria which were set by the Commission when they administered grants and which have applied to all Greater London authorities to date.

Signed  Date 12/9/17

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