

LICENSING COMMITTEE

Thursday, 14 December 2017 at 6.30 p.m.

The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

<u>Members:</u>	<u>Ward Represented</u>
Chair: Councillor Rajib Ahmed	Lansbury;
Vice-Chair: Councillor Peter Golds	Island Gardens;
Councillor Khaled Uddin Ahmed	Bromley North;
Councillor Suluk Ahmed	Spitalfields & Banglatown;
Councillor Shah Alam	Mile End;
Councillor Dave Chesterton	Blackwall & Cubitt Town;
Councillor Andrew Cregan	Island Gardens;
Councillor Harun Miah	Shadwell;
Councillor Md. Maium Miah	Canary Wharf;
Councillor Joshua Peck	Bow West;
Councillor Candida Ronald	Blackwall & Cubitt Town;
Councillor Rachael Saunders	Mile End;
Councillor Shiria Khatun	Lansbury;
1 Vacancy	
1 Vacancy	

[The quorum for this body is 3 Members]

Contact for further enquiries:

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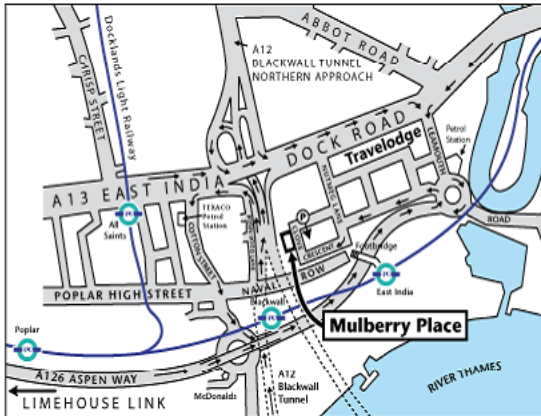
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		

9 - 38

To confirm the minutes of the meetings of the Licensing Committee held on 13th September, 26th September, 2nd October and 17th October 2017 as an accurate record of the proceedings.

3. ITEMS FOR CONSIDERATION

3.1	Statement of Licensing Policy Review 2018	39 - 204	All Wards
3.2	Night Time Economy Visits and Enforcement Update	205 - 218	All Wards
3.3	Application for a New Special Treatment Licence for Relax Studio, Unit 2, 1 Gunthorpe Street, E1 7RG	219 - 384	Spitalfields & Banglatown

Next Meeting of the Licensing Committee

Thursday, 15 March 2018 at 6.30 p.m. to be held in The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 7.05 P.M. ON WEDNESDAY, 13 SEPTEMBER 2017

THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds
Councillor Khaled Uddin Ahmed
Councillor Suluk Ahmed
Councillor Shah Alam
Councillor Dave Chesterton
Councillor Rachael Saunders
Councillor Shiria Khatun

Apologies

Councillor Andrew Cregan
Councillor Harun Miah
Councillor Joshua Peck
Councillor Candida Ronald

Officers Present:

Agnes Adrien	Team Leader, Enforcement & Litigation, Legal Services, Chief Executive's
Natalie Thompson	Environmental Health Officer
David Tolley	Head of Environmental Health and Trading Standards
Vincent Fajilagmago	Licensing Project Officer
Farhana Zia	Committee Services Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Joshua Peck, Candida Ronald, Harun Miah and Andrew Cregan.

Apologies for lateness were received from Councillor Rachael Saunders whose expected time of arrival for the meeting was 7:30 p.m.

1.1 DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No Declarations of discloseable pecuniary interest were disclosed.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes from the previous meeting of 23rd May 2017 were agreed to be accurate record of the meeting.

3. ITEMS FOR CONSIDERATION

3.1 Tattoo Convention

Natalie Thompson, Principal Environmental Health Officer introduced her report. She stated the Tattoo Convention was a three day event which was due to take place at Tobacco Dock on the 22nd, 23rd and 24th September 2017. The event had run from the same location for the last 9 years and involved around 300 Tattooists from around the world providing tattoos to members of the public over the 3 days.

A special treatment licence is required for the premises and this is why this report is before the Committee. Natalie Thompson informed Members the Licensing Team were seeking an increase in the licencing fee, in order to ensure the recovery of costs. Licensing Officers would carry out relevant checks, inspections and if needed corrective actions to ensure the event is safe and the risks associated with blood borne viruses are managed.

Members of the Committee made the following comments in relation to the report and asked questions:

- Great to see the three day event is returning to Tobacco Dock.
- Would it not be better to have a slightly higher increase in the licensing fee than the report suggests?
- Can the Tattoo Hygiene Scheme be promoted at the event?
- Can Members of this committee attend?
- In comparison to other Local Authorities is the increase in licensing fee for special treatments comparative and at the market rate?

The Members of the Licensing Committee **AGREED**

1. That the application fee for a massage and special treatment licence for the 2017 Tattoo Convention event be set at £3,383.55.

3.2 Community Alcohol Partnership and Best Bar None

Vincent Fajilagmago, Licensing Project Officer presented his report to the Committee. He stated the report provided an update on the progress of the

Community Alcohol Partnership (CAP) initiative in Mile End as well as an update on the Best Bar None (BBN) Scheme run within the borough.

Both initiatives seek to lower alcohol related crime and anti-social behaviour in the borough.

In relation to the CAP initiative Vincent Fajilagmago referred Members to points 3.7 to 3.19 which set out the different strands of the project. He said residents within the CAP area were surveyed for their views before different stakeholders worked in partnership to deal with various problems such as anti-social behaviour and drug and alcohol abuse. The Rapid Response Team and other stakeholders such as the Youth Employment Project had helped Bangladeshi and Somali gangs into employment and as such the issue of alcohol related crime and disorder had dissipated.

With respect to the sale of alcohol to underage drinkers the Trading Standards Officers had conducted test purchases and were working with off-licences and residents to educate them about the licensing procedure and where necessary take enforcement action.

In respect to the Best Bar None Scheme, Vincent Fajilagmago informed Members the BBN scheme had been successfully gaining support of both Canary Wharf and the Truman Brewery. They had agreed to be partners to boost promotion and recognition of the scheme. The BBN scheme introduced terms and conditions this year which give clear rules for applicants wishing to apply to enter the award.

The award ceremony will be held in March 2018 when accreditations, titles and trophies are awarded under different categories.

Members of the Committee made the following comments in relation to the report and asked questions:

- Members expressed concern in relation to asking Housing Associations assisting in the CAP initiative. Members did not support this recommendation within the report.
- What efforts have been made to discourage underage sales by off-licences?
- Do Trading Standard Officers have power to search young people?
- Can information be provided in numbers rather than in percentages?
- The Youth Offending Team is not listed as a partner. Has the CAP involved them in the initiative? They would be a good link to make as a form of intelligence gathering.
- Page 34, states incidents of ASB have reduced by 62.50%. How has this been assessed? It is not just alcohol and drug use which result in

Anti-Social Behaviour. There is a big problem with nitrous oxide – laughing gas.

- In reference to Page 48, Table 1.7 can you explain how those people surveyed would know the ethnicity of the person seen drinking?
- Can not a similar scheme like the CAP be introduced to Canary Wharf?

The Committee **NOTED** the report and asked Officers to note the comments made in relation to the further development of both schemes.

3.3 Update in relation to Prosecutions and Appeals - Quarters 1-4 2016/2017 and Quarter 1 2017/18

Agnes Adrien, Team Leader for Enforcement and Litigation presented her report in relation to Prosecutions and Appeals.

She informed Members the report covered Quarters 1-4 for 2016/17 and Quarter 1 for 2017/18.

She referred Members to the tables of information at 3.4 which set out the case details and the outcomes achieved.

Members of the Committee made the following comments:

- It is positive to hear about the progress being made in relation to the number of prosecutions undertaken by Licensing Enforcement Team and to note appeals against licensing decisions are low.

4. ANY OTHER BUSINESS

Changing nature of Lemman Street/Alie Street

Cllr Dave Chesterton stated he had requested further information regarding the changing demographics of the Lemman Street and Alie Street area when considering SEV applications last year and wanted to know if this information was available.

He said Members needed to understand the changing nature of the area, which was changing from being a commercial area to a more residential area. He said both Planning and Licensing Officers needed to produce a report, with this information, before the SEV applications were heard by the Committee at the end of September and early October.

Officers present at the meeting **AGREED** to convey the Committee's request to the relevant officers in the council and to the Acting Corporate Director for Place – Ann Sutcliffe.

Committee Members **AGREED** the information should be made available to them as soon as possible but no later than the 2nd October 2017.

Extension to Decision Deadline: Licensing Act 2003

Members **AGREED** to extend the deadline for the SEV renewal application for The Nags Head, 17-19 Whitechapel Road, London E1 1DU from 28th September to the 2nd of October 2017.

Start time for future Licensing Committee Meetings

Members **AGREED** to hold future Licensing Committee meetings at 6:30 p.m. for the remainder of the municipal year 2017/18. This will bring the main committee meetings in line with sub-committee meetings.

The meeting ended at 8.10 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 26 SEPTEMBER 2017

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds (Vice-Chair)
Councillor Suluk Ahmed
Councillor Dave Chesterton
Councillor Joshua Peck

Apologies

Councillor Khaled Uddin Ahmed
Councillor Shah Alam
Councillor Andrew Cregan
Councillor Md. Maium Miah
Councillor Candida Ronald
Councillor Rachael Saunders
Councillor Shiria Khatun

Others Present:

David Dadds – (Legal Representative for Whites)
Paddy Whur – (Legal Representative for Flamingos)
Santosh Nair – (Applicant for Flamingos)
Martin McVitie – (Manager & DPS for Flamingos)

Officers Present:

Victoria Fowler – (Legal Services)
Corinne Holland – (Licensing Officer)
Tom Lewis – (Team Leader - Licensing Services)
Simon O'Toole – (Counsel)
Simmi Yesmin – (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations were made.

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Renewal of a Sexual Entertainment Venue Licence for Whites Gentleman's Club, 32 - 38 Leman Street, London E1 8EW

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a renewal of the premises licence for Sexual Entertainment Venues for Whites Gentleman's Club, 32-38 Leman Street, London E1 8EW. It was noted that the licence consists of the basic licence, plus additional conditions relevant to that premises only, and in addition the Tower Hamlets Standard SEV conditions also applied and form part of the licence. It was further noted that there was one local resident objector.

Mr David Dadds, Legal Representative on behalf of Whites questioned why the supporting information on the local demographics of the area had been submitted.

At the invitation of the Chair, Mr O'Toole advised the Committee in open session regarding the Council's Schedule 3 Policy dated June 1st 2014 (SEV Policy). Mr O'Toole said the SEV Policy states that there was no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero. Mr O'Toole advised the Committee that it could refuse to renew a license because of a change in the character of the relevant locality. However the Ward Profile dated June 2014 at Appendix 11, and the information in the Supplemental Agenda 2 did not amount to evidence of such a change for the purposes of the Committee hearing. Therefore he advised the Committee it was best they did not consider this issue any further this evening.

Mr Dadds was satisfied with the response and accepted this.

In response to questions from Members, Ms Holland confirmed the following;

- That each room/booth had a CCTV camera.
- That the plan on the agenda was from 2014 and an updated plan had not been submitted.
- That after the unannounced visit detailed in p.22 of the agenda there had been no follow up visit, however a letter had been sent raising concerns.

At the request of the Chair Mr Dadds made his submission it was noted that the Applicants were not present at the meeting due to unforeseen

circumstances and Mr Dadds had been instructed to act on their behalf. He questioned the supporting evidence provided and did not feel the relevance of this, as there were no changes since last year when the application for renewal was last granted.

Mr Dadds explained that there was only objection from a local resident, who had also made a generic objection for the latter application listed on the agenda. He said that he had tried to engage with resident via Licensing Services but the objector did not attempt to make contact. It was noted that there had been no objections from Responsible Authorities or local businesses. .

Mr Dadds concluded that the application should be granted with little or no weight given to the objector as he/she was not present at the meeting and therefore he was unable to challenge the objection. Mr Dadds highlighted that there had been no complaints of ASB or noise nuisance and there were multiple CCTV cameras in each room. He said he would submit an updated plan of the premises and if Licensing Officers wanted to agree exact locations of the cameras this would be welcomed.

Members adjourned the meeting at 7.30pm for deliberations and reconvened at 7.50pm.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for Whites Gentleman's Club, 32-38 Leman Street, London E1 8EW be **GRANTED an identical licence** .

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday September 26th September 2017 the Licensing Committee resolved to grant the renewal of a Sexual Entertainment Venue Licence to Whites Venues Ltd for the premises at 32-38 Leman Street, London E1 8EW upon the same terms as the existing SEV Licence.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the information contained in the Supplemental Agenda 2, and the single objection.

None of the relevant authorities objected to the renewal of the SEV Licence.

The single objector had provided potentially relevant information about locality, noise, and anti-social behaviour yet had chosen not to allow the licensing officer to disclose their identity to the applicant. The objector did not attend the hearing. The Licensing Committee had regard to the objector's

concerns but decided that in the circumstances they could not put any reliance on them in view of the manner in which they had been made.

The Licensing Committee had regard to the management of the premises, the outside appearance of the premises, and the times when SEV licensed activities took place, and were satisfied that it would not be appropriate to refuse the application on the basis of the proximity of the English Martyrs Primary School to the premises.

On behalf of the Applicant, Mr Dadds promised to provide Licensing Services by 4.00 pm on October 17th 2017 a current premises plan of the premises which included all the information set out at Section K paragraph 10 of the Application.

3.2 Application for a Renewal of a Sexual Entertainment Venue Licence for Flamingos, 30 Alie Street, London, E1 8DA

At this juncture, Mr O'Toole asked the Applicant's representative if they had any submissions to make in respect of the composition of the Licencing Committee, as some of the Members had been the same Members who had previously made a decision to refuse their licence. Mr Paddy Whur, Legal Representative for the Applicant confirmed this was not a concern and that he had no objection to the composition of the Committee .

At the request of the Chair, Mr Tom Lewis, Licensing Team Leader, introduced the report which detailed the application for a renewal of the premises licence for Sexual Entertainment Venues for Flamingos, 30 Alie Street, London E1 8DA. It was noted that the licence consists of the basic licence, plus additional conditions relevant to that premises only, and in addition, the Tower Hamlets standard SEV conditions also applied and form part of the licence. It was further noted that there had been objections from local residents.

At the invitation of the Chair, Mr O'Toole advised the Committee in open session regarding the Council's Schedule 3 Policy dated June 1st 2014 (SEV Policy). Mr O'Toole said the SEV Policy states that there was no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero. Mr O'Toole advised the Committee that it could refuse to renew a license because of a change in the character of the relevant locality. However the Ward Profile dated June 2014 at Appendix 11, and the information in the Supplemental Agenda 2 did not amount to evidence of such a change for the purposes of the Committee hearing. Therefore he advised the Committee it was best they did not consider this issue any further this evening.

Mr Whur was satisfied with the response and accepted this.

It was noted that up to date CV's had not been included for the DPS and the owner/manager. Mr Whur confirmed that these had been submitted during the Judicial Review Process and had not been resubmitted. Ms Victoria Fowler, Legal Officer, confirmed that these documents had been sent previously and asked for these to be resent to officers.

Mr Whur briefly introduced Mr Martin McVitae, the DPS and Manager of the premises he detailed his experiences to date and said that Mr Santosh Nair, Applicant, had been working very closely with Mr McVitae to gain hands on experience.

It was noted that previous operators were not connected to the business and that the applicant had worked hard to get the previous decision overturned. It was noted that 4 new conditions were added to the SEV licence as a result. It was also noted that 28 cameras were in operation and that the level of scrutiny was the best it could be.

Mr Whur then went through and addressed each of the objections received, it was noted that covert visits had been undertaken which showed that there were no concerns and therefore there were no objections from any responsible authorities or local Councillors. It was also noted that there had been no direct complaints made to management.

Mr Whur was confident that there would be no noise nuisance as the air duct had recently been sealed and the background music was set at a low level in order to hear each people speak, therefore there was no opportunity for noise breakout. He then referred to the objection letter on page 235 and stated that it referred to the Licensing Act 2003 and that the venue was not open during school hours.

In response to questions from Members, the following was noted;

- That the back door was only used to empty rubbish in the commercial waste bin and to receive deliveries once a week and was not used by staff for entry or exit purposes.
- That the applicant would be happy to accept a condition to not use the back door.
- That CCTV cameras were in operation 24 hours 7days a week and stored for 31 days in accordance with the conditions set on the current licence.
- That on occasion if Mr McVitae is not present at the premises, Mr Nair is always present, both have personal licences and had been CRB checked.
- That an up to date CV for Mr Nair would be produced.
- That Mr Nair has had hands on experience from Mr McVitae someone who had significant experience and has been working at the premises since it reopened.
- The Applicants were encouraged to engage with local residents in the area either face to face, arrange a meeting or write to them in order to address any concerns that they may have. Members suggested that contact details i.e. telephone number and email address of the

manager is displayed on the front and back door or the premises and a mailshot with these details should be sent to properties within a 100 metres radius of the venue.

- That the commercial waste bin had been replaced with a pin lock as members of public were leaving their rubbish in the bin.
- That the taxi firm that is used had been advised to respect the needs of local residents.
- That management have voluntarily introduced a process where staff regularly have a sweep around the area time every 45 mins (approx) for rubbish, ASB etc.

Members adjourned the meeting at 8.55pm for deliberations and reconvened at 9.25pm.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for Flamingos, 30 Alie Street, London E1 8DA be **GRANTED an identical licence with additional conditions.**

The hearing of the London Borough of Tower Hamlets Licensing Committee to determine the application took place on Tuesday September 26th September 2017.

The Licensing Committee resolved to grant the renewal of a Sexual Entertainment Venue Licence to City Traders London Ltd for the premises at 30 Alie Street, London E1 8DA upon the same terms as the existing SEV Licence with the addition of the undernoted conditions. This was conditional upon receipt by Ms Simmi Yesmin of current CRBs and relevant CVs for Santosh Nair and Martin Mcvite by 4.00 pm 27th Sep 2017.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the information contained in the Supplemental Agenda 2, and the objections.

None of the relevant authorities objected to the renewal of the SEV Licence.

There were a number of objectors who had provided potentially relevant information about locality, noise, rubbish, poor behaviour on behalf of waiting taxi drivers, and anti-social behaviour yet each had chosen not to allow the licensing officer to disclose their identity to the Applicant. An objector also said they had been unable to contact the management to complain because the telephone number was discontinued. None of the objectors attended the hearing.

All the objectors' statements were challenged by the management representatives present at the hearing.

The Licensing Committee had regard to the objector's concerns but decided that in the circumstances they could not put any reliance on them in view of the manner in which they had been made.

The Licensing Committee had regard to the management of the premises, the outside appearance of the premises, and the times when SEV licensed activities took place, and were satisfied that it would not be appropriate to refuse the application on the basis of the proximity of the English Martyrs Primary School to the premises, or a change in the character of the relevant locality. In respect of the latter, the evidence of a change in the character was out of date and not exhibited to a report.

The Licensee was keen to demonstrate a reasonable approach to the SEV licensed activities at the premises and offered the following additional conditions.

- 1 On Monday to Sunday the door at the rear of the premises will not be used for any purposes save emergency use between 9pm and 9am the following day.
- 2 A CCTV camera will be installed to cover the rear door of the premises and operated in accordance with the regime set out in Standard Conditions 12 and 13.
- 3 When sexual entertainment is offered at the premises a suitable door supervisor shall patrol the perimeter of the premises every 30 minutes between 10pm and when the premises is closed to the public to prevent customers, guests and visitors to the premises making a public nuisance.
- 4 The Licensee shall ensure that at the front and rear of the premises there is displayed in a prominent position in legible type a telephone number and an email address which a member of the public can use to contact the Licensee of the premises.
- 5 When sexual entertainment is offered at the premises a member of staff shall be responsible for answering the telephone number displayed pursuant to condition [number].
- 6 By 4.00pm on Tuesday October 27th the Licensee shall deliver to each residential address on north and east Tenter Street a notice providing the information and contact details displayed pursuant to condition [number].

The Licensing Committee urged the Licensee pursuant to condition [number 3 in this draft] to instruct the patrol door supervisor to request taxi drivers of waiting taxis in the immediate vicinity of the premises to switch off the engine

of the taxi, and generally not to create a public nuisance or behaviour in an anti-social manner while waiting for a passenger.

The meeting ended at 9.25 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON MONDAY, 2 OCTOBER 2017

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Dave Chesterton
Councillor Candida Ronald
Councillor Shiria Khatun

Other Councillors Present:

Apologies

Councillor Peter Golds
Councillor Khaled Uddin Ahmed
Councillor Suluk Ahmed
Councillor Shah Alam
Councillor Andrew Cregan
Councillor Md. Maium Miah
Councillor Joshua Peck
Councillor Rachael Saunders

Others Present:

PC Mark Perry	– Police Licensing
Sgt Danny Dixon	– Police
Philip Kolvin QC	– Legal Representative
Julian Skeens	– Legal Representative
Luke Elford	– Legal Representative
Adrien Studd	– Compliance Consultant
Andrew Bamber	– Compliance Consultant
Manpal Singh	– Applicant
Bahadur Saab Singh	– Manager
Magdalena Kielar 'Magda'	– Performer
Tatiana Ferreira Silva Lima 'Daniella'	– Performer
Erika Franco Machado 'Pamela'	– Performer

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Victoria Fowler	– (Legal Services)
Corinne Holland	– (Licensing Services)

Tom Lewis – (Team Leader - Licensing Services)
Simon O'Toole – (Counsel to the Committee)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shiria Khatun and Councillor Rajib Ahmed declared a person interest on item 3.1, Application for a renewal of a Sexual Entertainment Venue for the Nags Head, 17-19 Whitechapel Road, London E1 1DU on the basis that they had worked with Mr Andrew Bamber, Compliance Consultant, in his previous capacity as an ex-employee of the Council.

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The Rules of Procedure were noted.

3. ITEMS FOR CONSIDERATION

Councillor Rajib Ahmed, Chair of the Licensing Committee, in agreement with the Committee Members adjourned the meeting to seek further legal advice in relation to item 3.1 of the agenda.

The meeting was adjourned at 6.50pm and reconvened at 7.25pm.

The Chair asked Mr Simon O'Toole, Counsel for the Committee to make a brief statement on behalf of the Licensing Committee. Mr O'Toole reminded all parties that this was a meeting of the Full Licensing Committee. It was noted that Members had been made aware that a 'without prejudice' meeting had taken place with the Police, Licensing Authority and the Applicant's Representatives. However, Members were not aware of the contents of that meeting. It was further noted that Members accept that these meetings do occur and encourage that these meetings do take place in order to mediate, consult and resolve matters.

Due to the seriousness of the witness statements and the allegations Members were not happy to endorse any conditions that may have been agreed between the parties and in the absence of Police witnesses.

Members invited the Applicant's Legal Representative to present a brief submission as to you why the hearing should be heard today. Subject to and conditional upon the fact that any submission must not prejudice, the composition of the membership, for any future/subsequent hearing.

Mr Philip Kolvin QC, Legal Representative acting on behalf of the Applicant confirmed that his submission would not compromise the committee membership for a subsequent meeting if it were required.

At the request of the Chair, Mr Kolvin referred Members to page 21 of the confidential Supplemental Agenda, the objection letter from Mr Tom Lewis, Team Leader Licensing and Safety Team where 5 robust conditions were set out for good practice, which were also endorsed by PC Mark Perry, Metropolitan Police on pages 30-31.

Mr Kolvin explained that his clients had been operating for 37 years, they were of good character and displayed good management and successfully run four other licensed venues. It was noted that since the alleged incident the Applicants had appointed Mr Andrew Bamber as a compliance consultant to form a compliance regime for the premises. It was noted that since May 2017 they have had seven compliance visits and each visit has resulted in the premise being compliant.

Therefore there was a meeting with all parties and as a result 4 $\frac{3}{4}$ of the conditions had been agreed to. Mr Kolvin highlighted that this was a way forward and urged Members to consider the application today and consider the conditions that had been agreed.

Members adjourned the meeting at 7.43pm to consider whether the application was to be considered. The meeting was reconvened at 7.55pm.

The Chair stated that Members had carefully listened to the submissions made by Mr Kolvin but given the serious nature of the allegations, Members had **agreed** to adjourn the meeting in order for the Covert Police Officers to attend the meeting as the Committee wanted to hear from the Police and the Applicant.

RESOLVED

Therefore it was agreed that the meeting be **ADJOURNED** and a meeting is to be arranged within the next two months to consider the application for a renewal of a sexual entertainment venue licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU.

The Chair asked that the Applicants and their representatives give their dates to avoid to the Democratic Services Officer within 5 working days.

3.1 Application for a Renewal of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU

The consideration for this item was deferred.

The meeting ended at 8.20 p.m.

Chair, Councillor Rajib Ahmed

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 10.00 A.M. ON TUESDAY, 17 OCTOBER 2017

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Khaled Uddin Ahmed
Councillor Shah Alam
Councillor Dave Chesterton
Councillor Candida Ronald
Councillor Shiria Khatun

Other Councillors Present:

Apologies

Councillor Peter Golds
Councillor Suluk Ahmed
Councillor Andrew Cregan
Councillor Md. Maium Miah
Councillor Joshua Peck
Councillor Rachael Saunders

Others Present:

Philip Kolvin QC	– (Counsel for Nags Head)
Juilan Skeens	– (Legal Representative for The Nags Head)
Luke Elford	– (Legal Representative for The Nags Head)
Andy Bamber	– (Compliance Consultant)
Manpal Singh	– (Applicant)
Ms A	– (Performer (and potential witness to the assault on 4 th May 2017))
PC Mark Perry	– (Metropolitan Police)
Officer P	– (Covert Police Officer)

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Victoria Fowler	– (Legal Services)
Tom Lewis	– (Team Leader - Licensing Services)

Simon O'Toole
Simmi Yesmin

– (Counsel)
– (Senior Committee Officer,
Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shiria Khatun and Councillor Rajib Ahmed declared a person interest on item 3.1, Application for a renewal of a Sexual Entertainment Venue for the Nags Head, 17-19 Whitechapel Road, London E1 1DU on the basis that they had worked with Mr Andy Bamber, Compliance Consultant, in his previous capacity as an ex-employee of the Council.

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Renewal of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU

The Chair exercised his power to exclude the press and public from the meeting.

It was agreed that;

“Pursuant to Public Bodies (Admission to Meetings) Act 1960, and the Local Government Act 1972 the members decided that exceptionally a Licensing Committee hearing on Tuesday October 17th at 10 o'clock should be closed to the public because it was likely that exempt information would be disclosed in the course of a full hearing to determine the application for a renewal of a sexual entertainment venue licence. The exempt information related to action taken or to be taken in connection with the investigation or prosecution of a serious sexual assault at the licensed premises on May 4th 2017, and that there was also a risk that information would have been disclosed which identified the victim or witnesses which may have prejudiced the investigation or prosecution of the offence.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a renewal of the Sexual Entertainment Venue licence for The Nags Head, 17- 19 Whitechapel Road, London E1 1DU. It was noted that the licence consists of the basic licence, plus additional conditions relevant to the premises only. In addition, the Tower Hamlets standard SEV conditions also apply and form part of the licence. It was noted that the Licensing Authority had objected to the application and this had been supported by the Police.

At the request of the Chair, Mr Philip Kolvin QC, acting on behalf of the Applicants, gave apologies on behalf of Mr Adrian Studd, Licensing Consultant, and Mr Saab Binning, Manager, and asked that their evidence is accepted as hearsay.

Mr Kolvin explained that the premises had been run by the Singh family for the past 30 years, and that it was their third year for applying for a SEV licence, it was noted that there had been no objections from local residents, local businesses or objections based on the environment or character of the area. Mr Kolvin explained that he would address the two issues that had been referred to in the objection, the first one was of the reported assault on 4th May 2017 and the second one was the conduct of dancers on 11th May 2017.

Mr Kolvin explained that there had been a rigorous process and effort to ensure compliance measures were in place to improve procedures. It was noted that as a result of these incidents a number of compliance visits had been conducted and all had shown that the venue was fully compliant.

Mr Kolvin stated that since the adjournment at the previous meeting on 2nd October 2017, Mr Singh now accepted that touching had occurred on 11th May 2017 this was detailed on page 6 of the Supplemental Agenda 2. Mr Singh unreservedly expressed his apologies for this incident and wanted to highlight that this was not an example of how the venue was run. It was noted that measures were now in place to prevent this from ever happening again.

He then went on to explain that the Singh family had no history of bankruptcy, had no convictions and had other venues in London that were compliant and licensed venues. He referred Members to page 232 of the Supplemental Agenda 1, the Entertainer's Daily Briefing which was explained to the performers on a daily basis. Customer house rules were on page 230 and it was confirmed this was displayed all around the venue.

It was noted that Mr Andy Bamber, Compliance Consultant had been appointed by the Singh Family to help with compliance, measures and controls. Mr Andy Bamber, gave a brief introduction and a summary of his experience to date. He confirmed that his appointment was independent and had started work with the venue from Feb/Mar 2017. It was noted that Mr Bamber had arranged a number of covert/compliance visits and reported his findings to management after each visit.

It was further noted that Mr Bamber had arranged nine compliance visits and all nine visits found the venue to be compliant. A dip sampling process had also been introduced, where random samplings of CCTV footage would be checked, so a three layer check was now in place, overt, covert and dip sampling. Mr Bamber confirmed that he visited the venue on a regular basis and confirmed to his best knowledge that there wasn't another venue as compliant as the Nags Head in London.

Mr Kolvin then highlighted the sequence of events leading up to alleged assault on 4th May 2017. **(Restricted)**

Members then heard about the incidents on 11th May 2017, where covert officers undertook test purchases and found significant breaches of the conditions on the licence. When a further visit was made on 15 June 2017 the premises was found to be fully compliant. It was noted that Mr Singh was not informed of these allegations on 11th May until 50 days after the incident, if this had been within 31 days (according to the conditions) then this could have been verified by the CCTV footage that is kept for 31 days. Management and performers had initially denied that this took place, however it was clear from Members that they wanted to hear from the Covert Police Officers who carried out the test purchases, and with no CCTV footage as evidence, Mr Singh accepted what the Police had said in terms of the number of breaches that were made on 11th May and would give the dancers involved final written warnings as there was clear misconduct and instructions were not adhered to.

Members were referred to pages 49 & 62 where further compliance visits were made and the venue was found to be compliant. Mr Kolvin then went on to detail the conditions that had been drafted between Licensing Services, Police and the Applicants. He believed that these conditions were sufficient to prevent these incidents from happening again and was satisfied that these conditions would be adhered to.

Mr Kolvin concluded by referring to the discretionary grounds for refusal and highlighted that the standard of fitness was obviously met, with high standard of management, there had been no objections on vicinity, no changes to demographics and the layout of the venue was small, neat and tidy.

Mr O'Toole, through the Chair asked questions on the layout of the premises, the availability of incident log and questioned whether the Licensing Officers would be able to access CCTV footage. It was confirmed that Licensing Officers and Police Officers would be able to view CCTV footage, even on a random check, but not be able to download and take it away unless there was a criminal investigation or breach of conditions as the Applicant said this would infringe guidance from the Information Commission Office and the Data Protection Act.

The Chair adjourned the meeting at 11.55am for a short comfort break and reconvened at 12.10pm.

At the request of the Chair Mr Tom Lewis, Licensing Team Leader briefly explained the two main issues which were of concern i.e. the assault on 4th May 2017 and the conduct of the dancers and the breach of conditions on 11th May 2017. Mr Lewis then detailed the incidents in full. Mr Lewis informed Members that one of the officers who conducted the covert visit was present at the meeting and available to answer any questions and asked that his identity remain anonymous and be referred to as Officer P.

It was noted that a meeting (without prejudice) was arranged and all interested parties met and agreed on a draft set of proposed conditions, which were robust and better enforceable. Mr Lewis confirmed that his objection was supported by the Police.

Members then heard from PC Mark Perry, Metropolitan Police who explained that SEV licences required a greater amount of monitoring and he was concerned about the inappropriate behaviour of dancers at the venue. PC Perry then referred Members to page 28 of the supplemental agenda 1 and explained the series of events which took place in relation to the assault on 4th May 2017.

PC Perry **(Restricted)** the incidents on 11 May did support the culture of inappropriate touching at the venue. He also believed that the additional conditions proposed would help alleviate concerns.

PC Perry welcomed the efforts made on behalf of the Applicant and was pleased and reassured that information would be available on request. He explained that the Police had the power to seize evidence if required. PC Perry concluded that he welcomed the fact that the applicants had accepted that the incidents on 11th May had occurred and had offered conditions and were working with officers.

Following a detailed discussion, Members asked a number of questions to which the following was noted;

- That the incident on 4th May **(Restricted)**
- That there was a financial contract between the performers and the owners of the venue as they had to pay to work at the venue.
- It was the applicant's view that management acted accordingly and in line with procedures and did what was right based on the information given.
- Concerns were raised as to blame culture on women (dancers)
- That the Entertainer's Daily Briefing was read out and explained to all performers before the venue opened each day.
- The customer conduct was displayed all around the venue.
- That there had been eleven compliance visits in total over the last six months, and all were found the venue to be compliant.
- It was noted that the victim on the 4th May **(Restricted)**.
- Witness statements from other performers state that if sexually assaulted then the dance is immediately stopped and the customer is asked to leave the venue.
- **(Restricted)**
- That the CCTV footage taken on 4th May also showed that there was a breach of condition where a performer was seen to be hugging a customer.

At 1pm the Chair closed the meeting.

The second meeting started at 2pm.

The Chair welcomed everyone.

In response to further questions from Members the following was noted;

- Authorised Officers referred to in the proposed draft conditions included Police Officers and Licensing Officers.
- The Applicant maintained that officers would be able to view CCTV footage but would not be allowed to download footage or be handed over footage unless it was associated to criminal proceedings or to investigate a breach of conditions.
- That the Entertainers Daily Briefing and Customer Rules had been rewritten in order to make the rules more robust and enforceable and clear that you must not touch the dancer.
- SIA door staff also explained the rules to customers when they come into the venue.
- That there were 12 dancers performing on 11th May
- That during the 30 years of trading, there had only been one complaint of sexual assault.
- That there was a further need to educate customers and dancers.
- That dip sampling meant that 4-5 CCTV footage slots would be randomly picked and checked to see that everything was compliant.
- That there was no sign outside the venue, no advertising, and there were no staff outside touting, that SIA door staff stand inside the entrance.

At this stage the Chair formally asked that Police Officer P who was present at the meeting could be released as there were no questions to ask of him.

Cllr Shiria Khatun asked if questions could be asked of one of the performers who was in attendance at the meeting but was not a witness.

The Chair adjourned the meeting at 3.20pm to seek legal advice and reconvened at 3.27pm.

The Chair announced that they would not ask Mr Kolvin to call the performer.

Mr Kolvin then asked the Chair if he could voluntarily call the performer as his witness and asked her questions despite the fact she had not made a witness statement. The Chair sought legal advice and consulted the Committee (without adjourning) and then said that exceptionally the Committee would agree to the performer being called to give evidence at this stage. The performer confirmed the following;

- That her name was **(Restricted)** (Ms A) and that she had worked at the Nags Head for 12 years.
- That she was part of the East London Strippers Union Collective
- That Nags Head was the safest place to work in where dancers felt protected.
- That she had a good relationship with managers and staff
- That she had never been sexually assaulted at the premises.
- That dancers do not permit any sexual contact and can easily protect themselves if they were being assaulted
- That she had been working on the night of 4th May, **(Restricted)**.

- That she was also working on 11th May and she did not engage or see anything that was described by Police Officers
- That dancers were given a daily briefing.
- That she did not see everything that goes on in the venue.

The Chair invited all parties to make final submissions.

Mr Kolvin concluded by saying that no touching is allowed, dancers are protected. That policy and procedures had been scrutinised and revised with great care. He highlighted that the venue was a good family run business, with a dedicated Compliance Manager. The applicants expressed their apologies for the breaches in May. Mr Kolvin said that they accept the conditions and felt that the imposing of the conditions would be a proportionate response as the venue was a compliant business. He highlighted that there was a total of 80 staff working at the venue, the venue had been trading for decades, there was a commitment to work with the responsible authorities and that there had been 11 compliance visits within the last 6 months and all had been found to be fully compliant.

Members then heard from Mr Lewis and PC Perry who stated that they were happy with the conditions and if agreed by Members then this would help alleviate the concerns they had. They were also pleased that the police evidence on 11th May had been accepted by the applicants.

Mr O'Toole for clarity confirmed that the Applicant expressly agreed that authorised officers could review CCTV footage although not ask for a copy unless investigating a breach of conditions or criminal offence.

Members adjourned the meeting at 3.40pm for deliberations and reconvened at 4.50pm.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for The Nags Head, 17-19 Whitechapel Road, London E1 1DU be **GRANTED an identical licence with additional conditions.**

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday October 17th 2017 the Committee unanimously resolved to grant the renewal of a Sexual Entertainment Venue Licence to the Nags Head at 17-19 Whitechapel Road, London E1 1DU subject to the Standard Conditions, and additional conditions set out below.

The Committee imposed additional conditions after determining that the Licensees had committed serious breaches of the Standard Conditions, and that in May and June 2017 the management did not have the ability to adhere to the Standard Conditions for sex establishments.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to the Act, Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Act (the Policy), the information contained in the Agenda (white papers), Supplemental Agenda 1 and Supplemental Agenda 2 (pink restricted papers). Over the course of two meetings the Committee heard submissions on behalf of the Applicant and the Licensing Authority as Objector, and evidence from Mr Bamber and Ms A (a performer at the premises) on behalf of the Objector. The Applicant and Objector agreed that all the other witness statements on behalf of both parties could be admitted as hearsay statements.

The Committee decided to conduct a full hearing review into the application for renewal of the SEV Licence because the Licensing Authority had objected on the basis that the Licensees were unsuitable to hold a licence pursuant to paragraph 12(3) of Schedule 3 of the Act, ie that they were unsuitable "for any other reason".

The events which gave rise to the full hearing review occurred on May 4th and May 11th 2017.

The Committee accepted PC Mark Perry's unchallenged evidence that by May 2017 there had, in all probability, developed among some of the performers at the premises a culture of consensual inappropriate touching which was in breach of the Standard Conditions. One such incident ("the hug") was recorded on CCTV on May 4th between a performer and member of the public. PC Perry went on to say that this culture was not safe and it was "a slippery slope because if you say it is ok to hug they [the members of the public] may then take it further especially if they had had something to drink." Mr Colvin QC on behalf of the Applicant conceded that the May incidents were not acceptable and that they "exposed a fault line" about how the premises were managed

Alleged sexual assault

On May 4th 2017 a performer at the premises, referred to as Ms Y, was allegedly assaulted by a member of the public (referred to as Mr X) during a private dance. **(Restricted)**

The Committee accepted all the hearsay evidence regarding how performers responded if touched during a private dance and carefully analysed the agreed CCTV recording timeline of the incident on May 4th. **(Restricted)**

(Restricted)

(Restricted), the Committee found that the management failed to take the matter sufficiently seriously, or properly investigate it. The management also failed to protect Ms Y on May 4th, and had failed to provide appropriate support to Ms Y at the time of the alleged sexual assault or afterwards.

The position was aggravated by what the Committee considered was the Licensees' generally dismissive approach to the matter, especially when it knew beyond doubt that the allegation was that of a serious sexual assault. It was compounded by the Licensees' subsequent obstruction of, and failure to cooperate with the licensing officers in the investigation of the incident. The Committee did not accept the Licensees' reasons for refusing to provide a copy of the CCTV of the incident to the licensing officer (redacted as necessary) and this was a serious breach of Standard Condition 12. The Committee found that the Licensees' failure to cooperate promptly with the licensing officers request for a copy of the incident book was inconsistent with the high standard of management stipulated by the Policy.

Intentional sexual contact between performers and covert police officers

On May 11th 2017 two police officers, acting on behalf of the Licensing Authority, carried out covert test purchases. These purchases confirmed that performers were making repeated intentional sexual contact with customers. The nature of the sexual contact is summarised below.

- Grinding of buttocks onto officers groin, this occurred on several occasions with all performers, and on one occasion one performer was grinding their vagina on officer's groin.
- Placing of the breast into the officers faces. This was mostly only light contact (slight brushing across the face). However on one occasion one of the performers in putting their breast in the officer's face made contact with the officer's closed mouth with their nipple.
- Squeezing of officer's penis, this occurred on two occasions by one performer who reached behind her with one hand and squeezed the officer's penis through their clothing.
- Rubbing of forehead on penis, this occurred with one performer where they knelt between the legs of the officer and rubbed their forehead back and forth on the officer's penis through their clothing.
- Breast being in open hands of the officers whilst seated, which occurred once with one performer.
- One performer asked one of the Officers to put their hand on the performer's buttocks, which they did.
- One performer placed one of the Officer's hand on her exposed pubic area.
- During one of the private dances one of the performers kissed one of the Officers with a closed mouth.

Officers describe in their statements that there were a number of occasions performers touched their vagina's and parting the lips of their vagina's. Furthermore on one occasion a performer simulated acts of personal stimulation by parting their vagina with her fingers exposing their labia and with their other hand rubbed their inner vagina from the base up to the clitoris.

The Licensees admitted that two of its performers had committed the above intentional sexual behaviour.

The Committee found that the above intentional sexual behaviour of two performers was a serious and persistent breach of Standard Condition 26 (implementation and enforcement of House Rules), Conditions 35 and 36 (no intentional physical contact - save for specified exceptions) and Condition 38 (no other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation).

The Committee found that the lack of effective enforcement of the Standard Conditions and compliance with the House Rules was likely to be directly affecting the safety of performers as evidenced by the alleged sexual assault on May 4th.

The Committee decided that in May and June 2017 the Licensees' clearly did not have a high standard of management. The management structure was such that it lacked the capacity to operate the venue, or the ability to ensure adherence to the Standard Conditions for sex establishments. As such, it was arguable that, at that time, the Licenses were unsuitable "for any other reason" to hold a SEV Licence.

After careful consideration the Committee decided to grant the renewal of the SEV Licence after taking full account of the following matters.

- 1 The admissions by the Licensee, their apology for the breaches, their positive track record, and their full commitment in the future to enforce the Standard Conditions, and strict adherence to, and compliance with the House Rules and Code of Conduct, and any other conditions the Committee might impose.
- 2 The Committee accepted the Licensees' promise to fully cooperate with licensing officers in the future and in particular not to obstruct the viewing of CCTV footage (including the viewing of CCTV in the course of random checks by the licensing officers).
- 3 That PC Mark Perry, and Mr Tom Lewis (Team Leader, Licensing and Safety Team Environmental Health and Trading Standards) considered that the imposition of additional stringent conditions would mitigate the risks of similar problems occurring at the premises in the future.
- 4 The significant efforts already made by the Licensees to ensure that the premises operated in a way which was fully compliant with the Standard Conditions, and the additional conditions that the Committee were going to impose.

The Committee imposed the following additional conditions.

- 42 Documents to prove compliance with the Licence pursuant to Standard Condition 3.

An incident log shall be kept at the premises, and made available on request to authorised officers immediately. It must be completed within 3 hours of the incident and shall record the following

- (a) all crimes reported to the venue by a member of the public, a performer or member of staff;
- (b) any breach or alleged breach of either the House Rules made by a member of the public or the Code of Conduct made by a performer, and the action taken by the management;
- (c) when a person is removed from the premises;
- (d) any faults in the CCTV system;
- (e) any visit by a relevant authority or emergency service.

- 43 In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that

- (a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) all measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;
- (c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

- 44 In the event that during a performance the management or security either witness a member of the public making intentional physical contact with a performer (save as permitted by Standard Conditions 35 or 36) or a performer makes a similar allegation to management or security, that member of the public shall be removed from the premises without delay. The management or security may use their discretion to allow that member of the public a supervised 10 minute drink up time prior to being removed from the premises.

- 45 Without prejudice to Standard Conditions 12 and 13, at all times the private performance areas and booths are occupied by performers and members of the public trained staff shall regularly monitor the CCTVs which cover that area.

46 Independent Compliance Audit

- (a) An independent compliance auditor, to be instructed and paid for by the Licensees, must carry out a minimum of four (4) compliance audits per year of the private performance areas and booths when sexual entertainment is offered at the premises. The compliance audits must not be pre-arranged with the Licensees or any employee or agent of the Licensees.
- (b) A copy of the compliance audit, signed and dated by the Compliance Auditor, must be kept at the premises (The Nags Head Public House, 17-19 Whitechapel Road E1 1DU) and made available to authorised officers without delay.

The meeting ended at 4.50 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>14th December 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Ann Sutcliffe – Acting Corporate Director</p> <p>Place:</p>	<p>Classification:</p> <p>Unrestricted</p>
<p>Statement of Licensing Policy Review 2018</p>	

Originating Officer(s)	David Tolley: Head of Environmental Health and Trading Standards
Wards affected	All

SUMMARY

All local authorities have to determine and publish a Statement of Licensing Policy every 5 years. The determination and publishing of such is required to be undertaken by October 2018.

The purpose of the policy statement is to define how the responsibilities under the Licensing Act 2003 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 Council for adoption.

RECOMMENDATIONS

1. Note the forward programme for consulting on the proposed Statement of Licensing Policy.
2. Note that the consultation should be based on the proposed changes detailed in Appendix Two.
3. To note the consultation to retain the current Cumulative Impact Zone in the Brick Lane area at Appendices 1 and 3

4. To note the consultation for a Cumulative Impact Zone for Bethnal Green Road/ Cambridge Health Road to Old Bethnal Green Road.

1.0 REASONS FOR THE DECISION

- 1.1 The Council is statutorily required to determine and publish its Statement of Licensing Policy every 5 years. As part of that process, statutory consultation takes place. This includes any Cumulative Licensing zones.
- 1.2 The Statement of Licensing Policy consultation will be based on the proposed changes outlined in Appendix 2. This will enable the new statutory provisions to be reflected in the reviewed Statement of Licensing Policy.

2.0 ALTERNATIVE OPTIONS

- 2.1 It is a statutory duty for the Council to determine and publish its Statement of Licensing Policy and there is no alternative option to this.
- 2.2 However, the Council does have the option of not retaining the Cumulative Impact Zone, which forms part of the Licensing Policy.

3.0 DETAILS OF REPORT

- 3.1 The Council's current Statement of Licensing Policy was adopted by Council in November 2013.
- 3.2 Tower Hamlets Council is a Licensing Authority under the Licensing Act 2003. As a Licensing Authority the Council must determine and publish its Licensing Policy every 5 years.
- 3.3 In determining the Policy, the Council must carry out the statutory consultation as provided by the Act.
- 3.4 Following consultation, Cabinet will be asked to consider the revised Statement of Licensing Policy and will be asked to recommend it to Council for adoption.
- 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 The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities. The policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.8 The proposed revised Statement of Licensing Policy for determination has taken into account the legislative changes that will affect the policy. The changes respond in the main to guidance and regulatory change from central government during the course of the last 5 years.
- 3.9 The Statutory Consultation requirements consist of:-
- The Chief Officer of Police for the Licensing Authority area
 - The Fire and Rescue 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 revision considers legislative changes to the current policy. The changes respond, in the main, to guidance and regulatory change from central government during the course of the 5 five years:
- 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
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	Council agreement

- 3.12 The Public Health Team will be consulted and will be in a position to add 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 are outlined in Appendix Two.

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) 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 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 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 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 Appendix 4 - Maps from the Metropolitan Police website also show that the whole of Spitalfields and Banglatown Ward (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 support 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 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 Heath 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 number of them recorded between April 2016 and March 2017. From this data the most common type of incident reported linked to licence premises the area was "Violence Against the Person".
- 3.26 As this new zone is small and is shown in Appendix 9, it could be argued that there is little point in bringing such an area with a cumulative impact policy and rely upon current initiatives as Best Bar None, Pub Watch and Community Alcohol Partnerships to address issues.
- 3.27 The consideration of Cumulative Impact Zones within the Licensing Policy Review draws the links between other strategies 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.

4.0 COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 The report sets out for noting the forward programme for consultation on the Statement of Licensing Policy. The responsibilities of the Licensing Service are exercised and administered within a gross expenditure budget of £352,500. The cost of the service is met by the fees received from 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. A total of up to 33 licensed premises could potentially be impacted by this decision. 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.

5.0 LEGAL COMMENTS

5.1 The Licensing Act 2003 ('the 2003 Act') established a single integrated system for licensing premises that are used for alcohol, entertainment and late night refreshment. Under this legislation, each local authority is known as the 'licensing authority' and is responsible for licensing alcohol, entertainment and late night refreshment in its geographical area.

5.2 The London Borough of Tower Hamlets is a Licensing Authority and section 5(1) of the 2003 Act requires the Council in respect of each 5 year period to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of that policy before the beginning of the period. The Council's current Statement of Licensing Policy is effective from 1st November 2013 and therefore the fresh Policy needs to have been determined and published by 31st October 2018.

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

- Promoting the 4 licensing objectives, namely: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm;
- Statutory guidance issued by the Secretary of State; and
- The 2003 Act.

and the draft updated policy has been drafted taking these into account.

5.4 During the 5 years of the current policy, the Council has been required to keep its policy in respect of that period under review and make such revisions to it, at such times, as it considers appropriate. It is noted that during this 5 year period there have been a number of revisions to the guidance and regulation (see paragraph 3.10 of the report). No revisions to the existing Policy were made and these have therefore been incorporated in the replacement 5 year Policy to be determined and published next year.

5.5 Section 5(4) of the 2003 Act sets out who the Council is required to consult with. A list of such is set out in paragraph 3.9 of this report but missing from this list is each Local Health Board in respect of which any part is in Tower Hamlets.

5.6 As to consultation, the Council must also comply with its common law duty and which imposes a general duty of procedural fairness when exercising functions which affects the interests of individuals. This requires:

- (a) that the consultation be at a time when proposals are still at a formative stage and the proposals are still formative and the timetable in paragraph 3.11 addresses this;
- (b) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response and paragraphs 3.10 and 3.15 to 3.27 1 sets these out; and
- (c) adequate time must be given for consideration and response and the timetable in paragraph 3.11 addresses this.

- 5.7 As to Cumulative Impact Zone (also known as special policies or saturation zones), these are a product of the Guidance to the Licensing Act 2003. The effect of having a cumulative impact policy generally means that any new premises licence applications or material variations which receive relevant representations will presume to be refused unless the applicant can show that granting the application will not add to the cumulative impact, i.e. a rebuttable presumption.
- 5.8 To introduce or retain a Cumulative Impact Zone there must be evidence that the high density of licensed premises in one area is having a detrimental effect or continuing to have a detrimental effect on one or more of the licensing objectives.
- 5.9 Pursuant to the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the determination of the statement of licensing policy under section 5 of the Licensing Act 2003 cannot be a function of the Council's executive. Consistent with this requirement, the Council's Constitution makes the licensing policy part of the budget and policy framework. The preparation of the policy must therefore comply with the Budget and Policy Framework Procedure Rules.
- 5.10 In its consideration of this Report and its recommendations, 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). There is some information in the report relevant to these considerations in paragraph 6 below.

6.0 ONE TOWER HAMLETS CONSIDERATIONS

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

7.0 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.

8.0 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no adverse implications.

9.0 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.

10.0 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.

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

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

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- **NONE.**

Officer contact details for documents:

- **N/A**

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Licensing Policy under the Licensing Act 2003

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Background and Context

This Policy should be read in conjunction with:

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

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

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

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

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

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

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

A Great Place to Live
A Prosperous Community
A Safe and Cohesive Community
A Healthy and Supportive Community

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

1 Introduction

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

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

2 The Policy

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

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

3 Consultation

3.1 The Council recognises the important role of responsible authorities, the licensing trade, local residents and other stakeholders have to play in influencing this Policy. The Council will consider a wide range of views that are made in response to the consultation before finalising and publishing the policy in 2013.

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

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

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

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

4 Main Principles of the Licensing Policy

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

4.2 *The prevention of crime and disorder*

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

4.3 *Public safety*

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

4.4 *The prevention of public nuisance*

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

4.5 *The protection of children from harm*

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

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

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

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

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

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

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

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

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

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

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

- 4.21 For larger events and premises of a capacity of more than 1000 persons the Council will carry out a reasonable and relevant level of consultation with local residents and businesses. The scope of this consultation will be decided by the Trading Standards and Licensing Service Manager.
- 4.22 The statutory consultation period will not be extended providing the Council has been given a full application by the applicant. The voluntary consultation carried out by the Licensing Team, detailed in para 4.20 and 4.21 will be carried out at the determination of the Trading Standards and Licensing Manager. If the licensing authority in the unlikely event fails to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application.

5 **The Licensing Authority as a Responsible Authority**

- 5.1 The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.
- 5.2 The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.
- 5.3 The Council as a Licensing authority is not expected to act as responsible authorities on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 5.4 It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

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

6 Crime and Disorder

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

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

- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 **Touting** - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the 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. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them. Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.
- 6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

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

Smuggled goods

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

7 Cumulative Effect

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

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

8 Special Cumulative Impact Policy for the Brick Lane Area

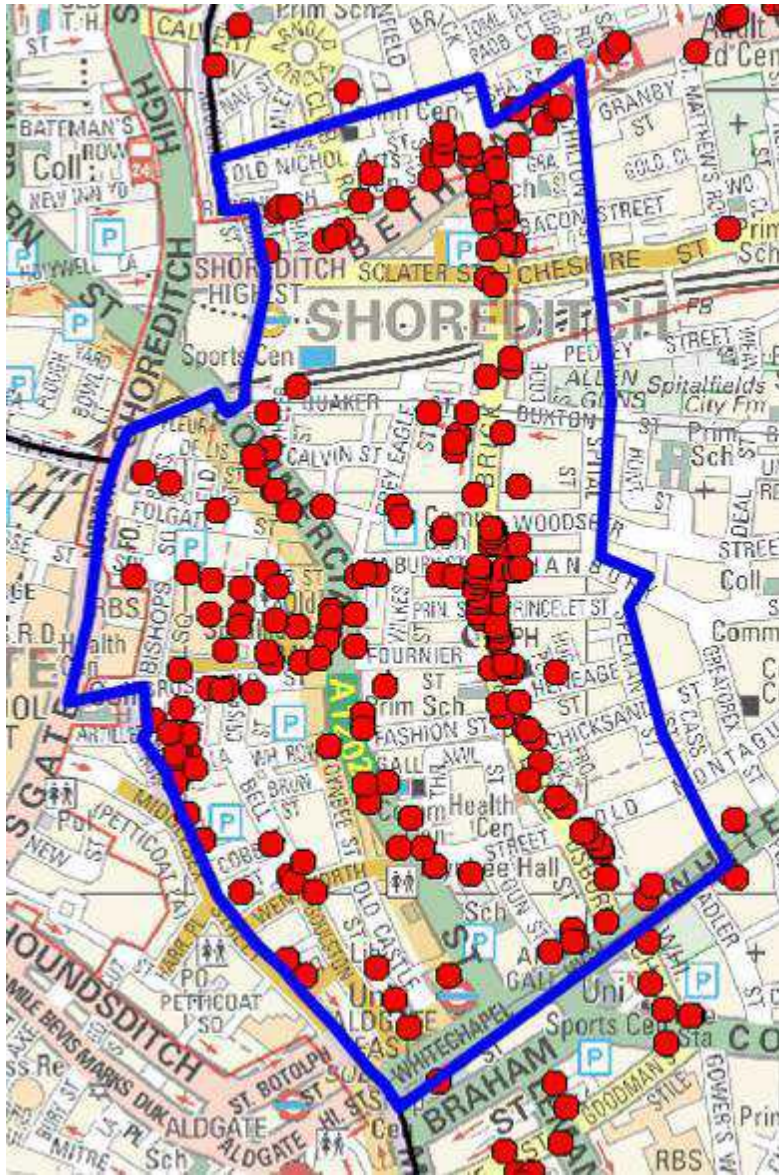
- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Map courtesy of Metropolitan Police

9 Public Safety

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

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

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

10 Prevention of Nuisance

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

11 Prevention of Harm to Children

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

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

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

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

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

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

12 Access to Cinemas

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

13 Children and Public Entertainment

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

13.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-

- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- No child unless accompanied by an adult to be permitted in the front row of any balcony
- No standing to be permitted in any part of the auditorium during the Performance

13.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

13.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

14 Health Considerations of Licensing

14.1 Excess alcohol consumption can lead to a wide range of personal health related harms which are well documented in both the Alcohol Joint Strategic Needs Assessment factsheet and Tower Hamlets Substance Misuse Strategy. The short-term negative health effects of hazardous drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents, while regular alcohol consumption can lead to heart disease, stroke, liver disease, stomach damage and certain types of cancer . Although these are important personal health related harms they, by and large, fall outside the scope of the four licensing objectives as defined in the Licensing Act.

14.2 However the consequences of drinking go far beyond the individual drinker's health and well-being. They include harm to the unborn fetus, acts of drunken violence, vandalism, sexual assault and child abuse, and a huge health burden carried by both the NHS and friends and family who care for those damaged by alcohol. Many of these affects are relevant to the licensing regime.

14.3 The short-term negative health effects of harmful drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents .

15 Licensing Hours

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

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

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

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

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

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

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

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

- 15.10 In addition and in relation to all applications, whatever the hours applied for where its discretion is engaged, the Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents.

- 15.11 Where a negative impact is likely on local residents or businesses it is expected that the applicants' operating schedule will describe how this impact will be minimised.

16 Shops, Stores and Supermarkets

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

17 Integrating Strategies and Avoiding Duplication

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

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

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

- 17.24 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 17.25 The decision to implement an EMRO should be evidence based and licensing authorities may wish to outline in the policy the grounds which they will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits. The Licensing Authority reserves the right to introduce an EMRO if it so desires and consultation and evidence from responsible authorities demonstrates the need.
- 17.26 The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.

18 Sexual Entertainment

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

Until this is adopted the following will apply

- 18.1 The Licensing Authority will only seek to attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives.
- 18.2 The Licensing Authority confirms that, if its discretion is engaged and where appropriate and necessary for the promotion of the licensing objectives it will use the Government's suggested model pool of conditions that are attached as an Appendix 2 to the Licensing Authority.
- 18.3 In addition standard conditions required by the Licensing Act 2003, its regulations or guidance will be attached as relevant.
- 18.4 The licensing authority when its discretion is engaged will always consider all applications on their individual merits, however all applications involving adult entertainment of nudity or semi-nudity are unlikely to be successful where the premises is in the vicinity of:
- Residential accommodation;
 - schools;
 - places of worship;
 - other premises where entertainment of a similar nature takes place;
 - community centers; and
 - youth clubs.

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

19 Enforcement

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

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

20 **Live Music, Dancing and Theatre**

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

21 Risk Assessments

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

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

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

21.8 Definition of a 'Significant Event'

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

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

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

22 Temporary Event Notices Process

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

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

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

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

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

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

- 22.7 A Cumulative Impact policy is designed to reduce crime. Disorder and nuisance from a concentration of licensed premises. Due to the Cumulative Impact Policy it is possible that objections will be made by the police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the designated zone.
- 22.8 The Licensing Authority expects to be given 28 days' notice of temporary events, and for them to have been discussed with the Metropolitan Police before submission to the Council.

23 **Review Process**

23.1 **Working in partnership**

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

23.2 **Purpose of reviews:**

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

23.3 **Proceedings**

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

23.4 **Initiating Reviews**

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

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

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

Steps that can be taken by the Council include:

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

23.10 Licence Suspensions

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

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

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

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

24 Responsibility of Licence Holders and Designated Premises Supervisors

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

25 “No Traveller” and similar signs

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

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

26 Promotion of Racial Equality

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

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

27 Duplication

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

28 Administration, Exercise and Delegation of Functions

28.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

28.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

28.3 The Table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee / Sub-Committees and Officers

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

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

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

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

Appendix 1:

List of Responsible Authorities

There are a number of “Responsible Authorities”. These have been designated by the Government. Any variation application should be discussed with the relevant authorities first. All new and variation applications have to be sent to the responsible authority. If you are not sure you will need to check which organisation is responsible for health and safety before you send off your forms.

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

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

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

Fire Safety Regulation

NE 2 Area

London Fire Brigade

169 Union Street

London

SE1 0LL

Tel: 020 8555 1200

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

i.) Health and Safety

London Borough of Tower Hamlets

Consumer and Business Regulations

Mulberry Place

PO Box 55739

5 Clove Crescent

London E14 1BY

Tel: 020 7364 5008

OR

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

Tel: 020 7556 2100

OR

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

Tel: 0168 9890400

AND

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

Tel: 020 7364 5008

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

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

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

Tel: 020 7364 5009

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

London Borough of Tower Hamlets

Environmental Protection

Mulberry Place

5 Clove Crescent

London E14 1BY

Tel: 020 7364 5007

- (f) A body which:

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

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

CPRS Unit

2nd Floor

Mulberry Place

5 Clove Crescent

London

E14 2BG

Tel: 020 7364 3496

Public Health

Dr Somen Banerjee

Interim Director of Public Health Tower Hamlets

4th floor Mulberry Place

5 Clove Crescent

London E14 2BG

Tel 0207 364 7014

This list can also be found at:

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

Appendix 2

Mandatory Conditions

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

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

From 6th April 2010

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

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

In addition From 10th October 2010:

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

Appendix 3:

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

Conditions relating to the prevention of crime and Disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

General

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

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

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

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

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

Text/Radio pagers

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

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

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

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

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

Door supervisors

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

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

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

Bottle bans

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

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

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

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

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

Plastic containers and toughened glass

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

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

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

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

CCTV

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

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

Open containers not to be taken from the premises

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

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

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events.

Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

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

Crime prevention notices

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

Signage

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

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

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

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

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

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

Annex E

Conditions relating to public safety (including fire safety)

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

General

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

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

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

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

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

The following British Standards should also be considered:

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

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

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

People with Disabilities

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

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

Escape routes

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

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

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

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

Safety checks

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

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

Curtains, hangings, decorations and upholstery

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

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

Accommodation limits

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

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

Fire action notices

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

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

Outbreaks of fire

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

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

Loss of water

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

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

Access for emergency vehicles

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

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

First aid

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

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

Lighting

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

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

Temporary electrical installations

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

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

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

Indoor sports entertainments

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

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

Alterations to the premises

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

Special effects

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

Special effects which should be considered include:

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

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

Annex F

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

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

Premises used for closely seated audiences

Attendants

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

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

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

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

Standing and sitting in gangways etc.

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

Drinks

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

Balcony Fronts

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

Special effects

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

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

Annex J

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

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

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

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

Annex K

Key actions for licensing authorities in connection with Safer Clubbing

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

Key activities of licensing authority officers include:

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

Appendix 4:

Licensing Contact Details

A printed version of the policy can be obtained from:

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

Telephone: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

It is also available for inspection at the above office.

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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/lgnl/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><i>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.”</i></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: “ <i>Secretary of State’s Guidance</i> ”.	Consistency with other policy amendments.
Page 11 Para. 6.16 (1)	At the end of the sentence after the word “delivery” Add: “ <i>to provide traceability</i> ”. Add second new Para: <i>“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</i>	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.aspx"	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	<p>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:</p> <p><i>"Late Night Levy</i></p> <p><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></p> <p><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></p> <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,

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.

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.*

	<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> $\mathbf{P = D + (D \times V)}$ <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’ <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:	Update names and addresses of current SEVs.	
	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>

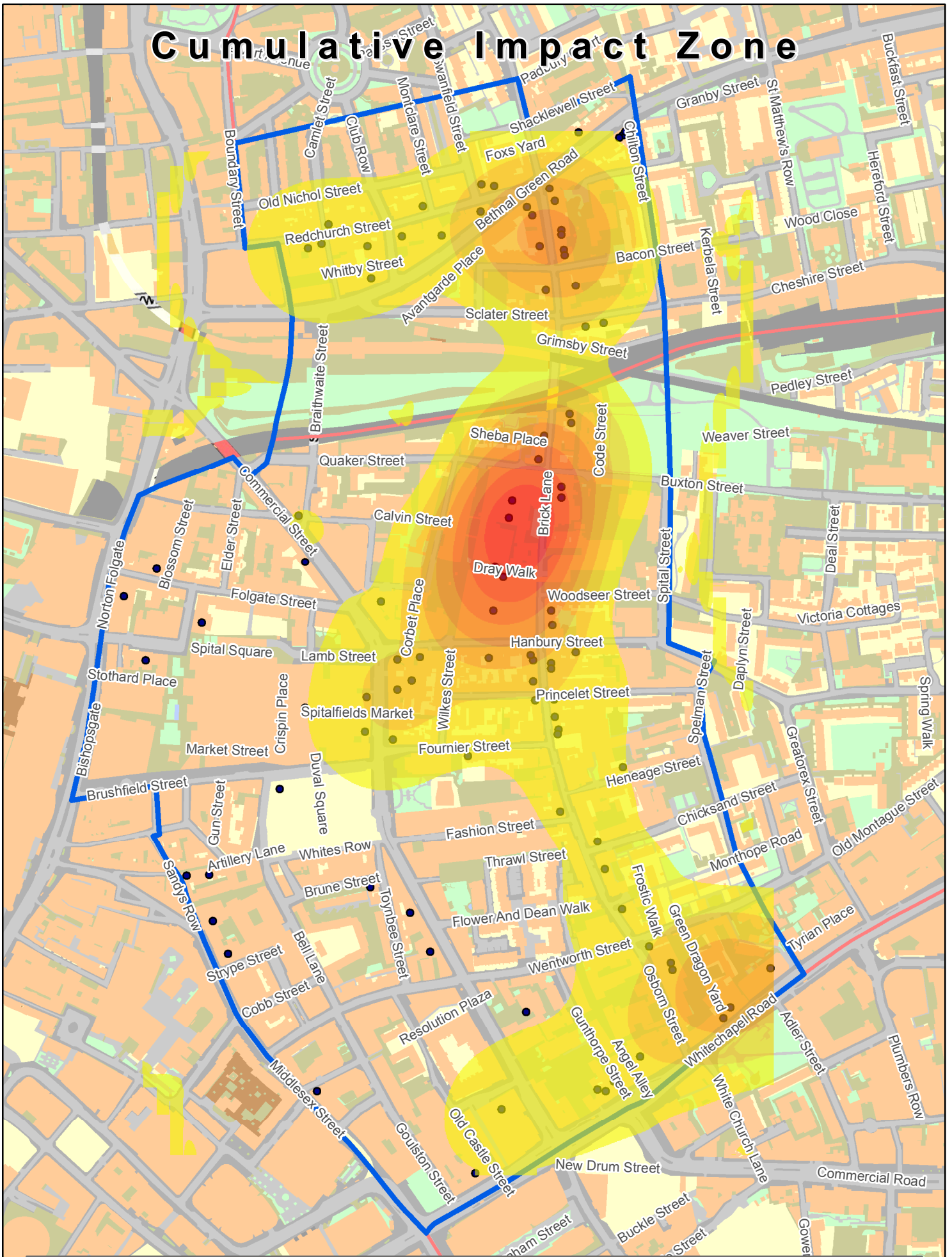
	<p>immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day 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</p> <p>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>

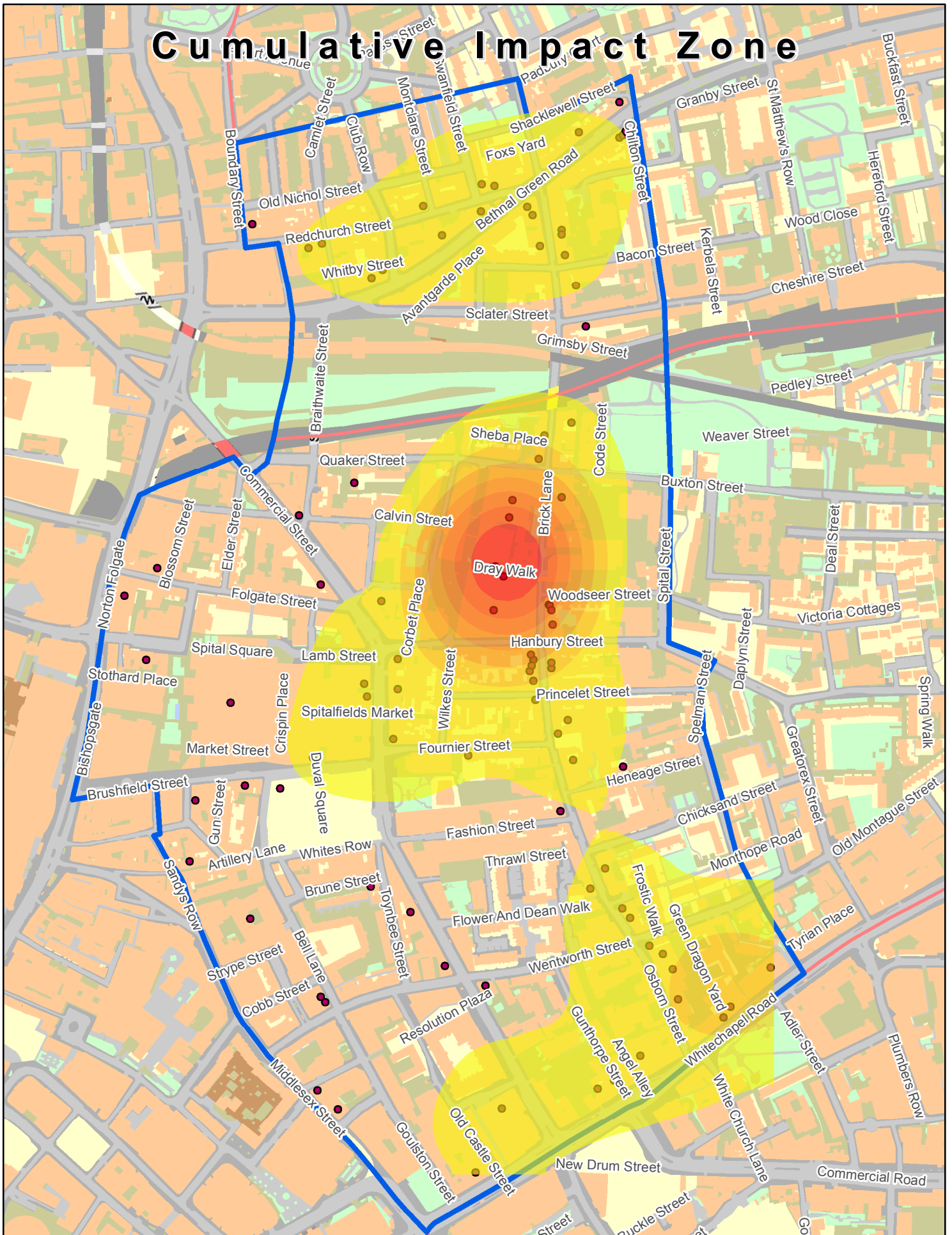
Cumulative Impact Zone



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, drugs offences, anti-social behaviour etc

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Cumulative Impact Zone

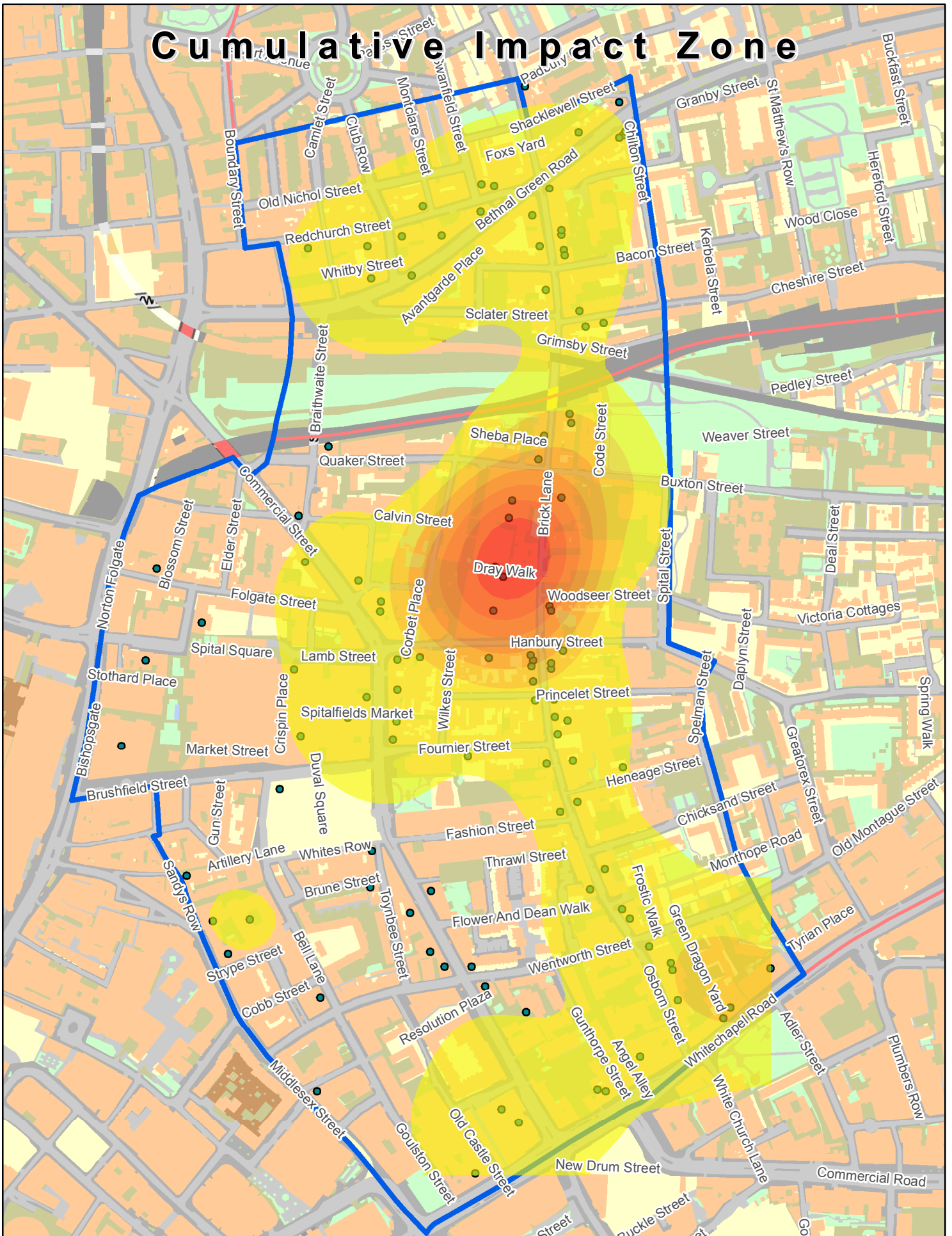


Between January 2013 to December 2013 the Police received 591 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2013 there was an increase of 81 incidents compared to 2012.

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

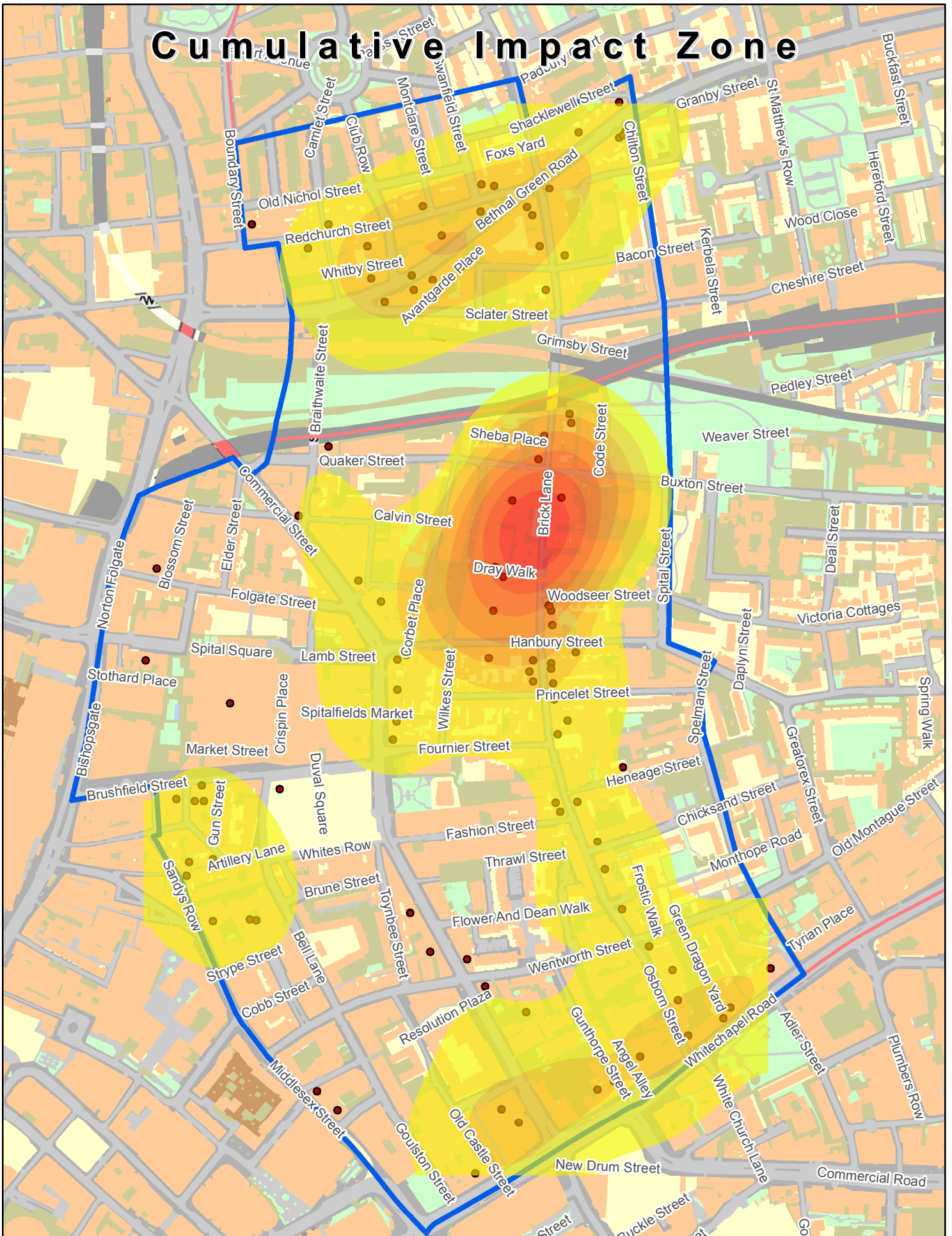


Between January 2014 to December 2014 the Police received 786 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2014 there was an increase of 195 incidents compared to 2013.

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

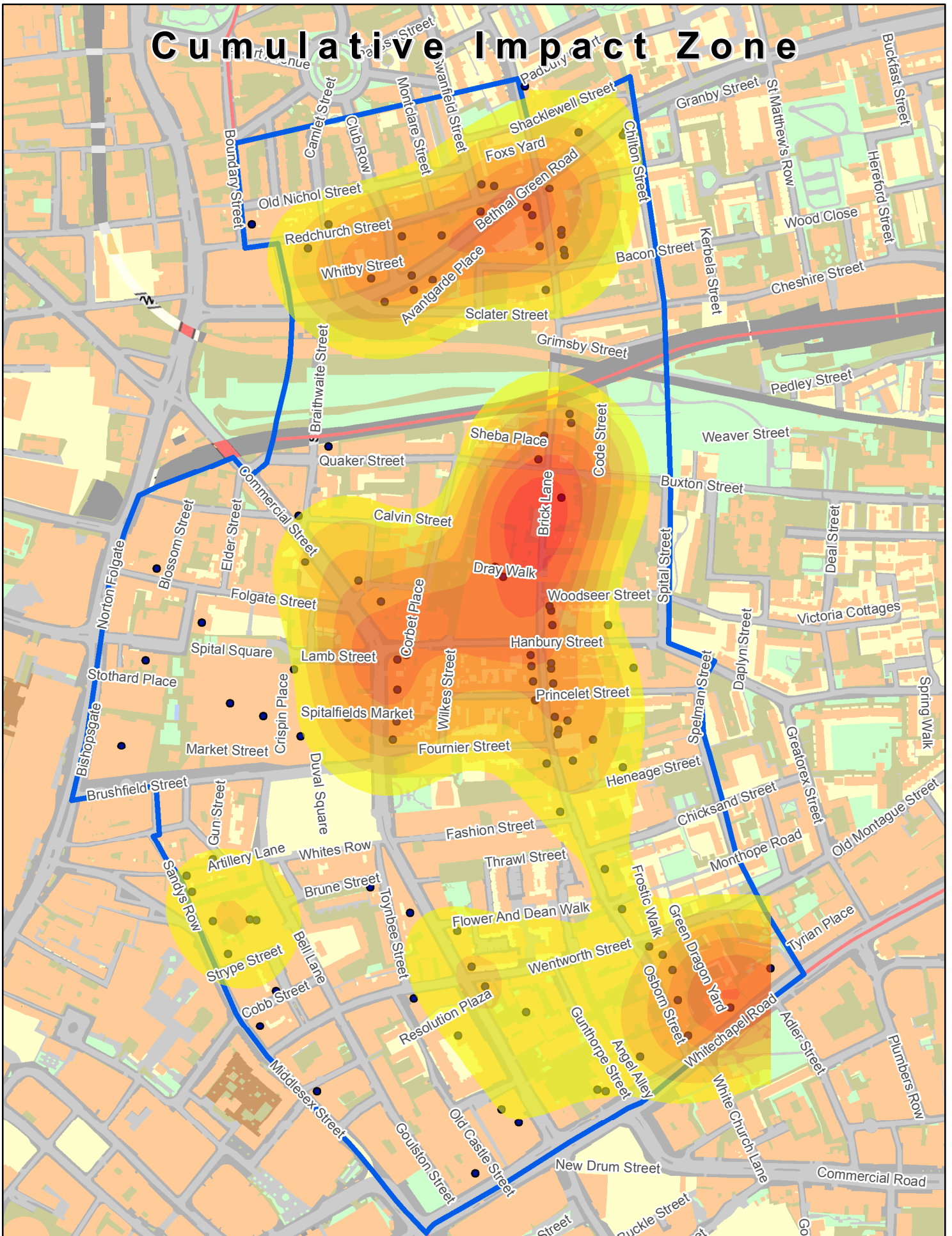


Between January 2015 to December 2015 the Police received 636 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2015 there was a reduction of 150 incidents compared to 2014.

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 view

Text view

Info

Link to this page

RSS

Map Satellite

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

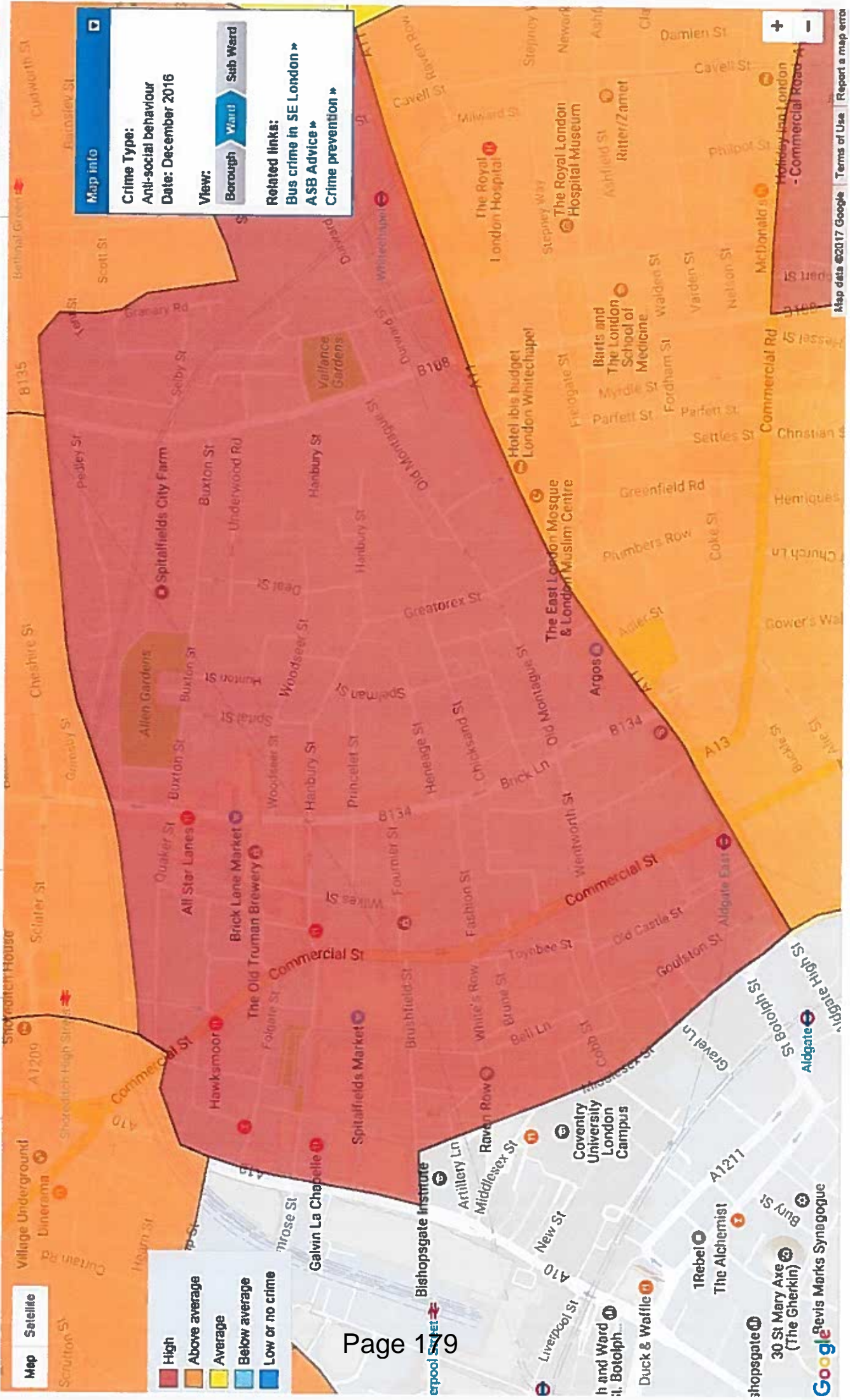
Map info

Crime Type:
Anti-social behaviour

Date: December 2016

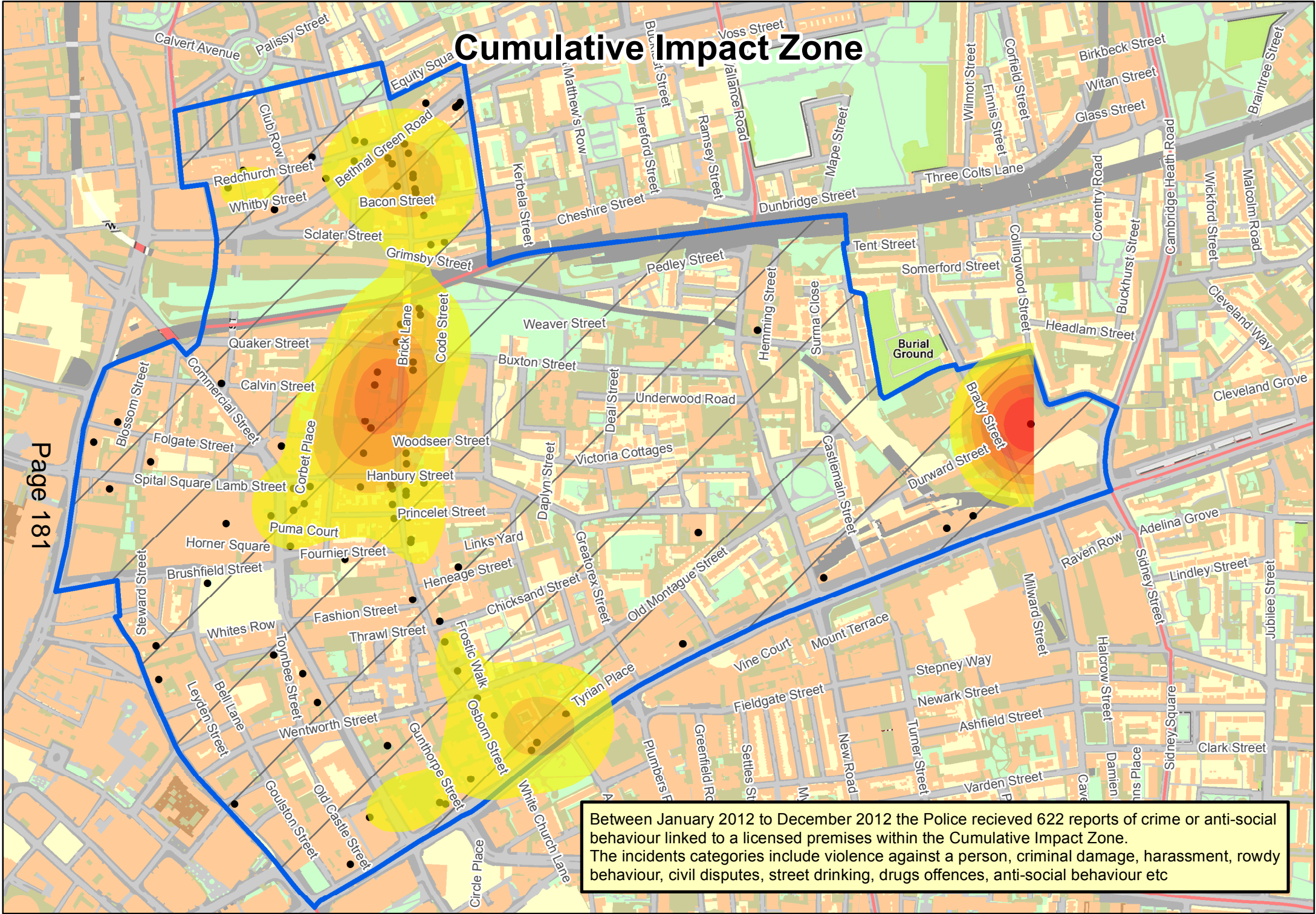
View:
Borough **Ward** Sub Ward

Related links:
Bus crime in SE London »
ASB Advice »
Crime prevention »



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Cumulative Impact Zone



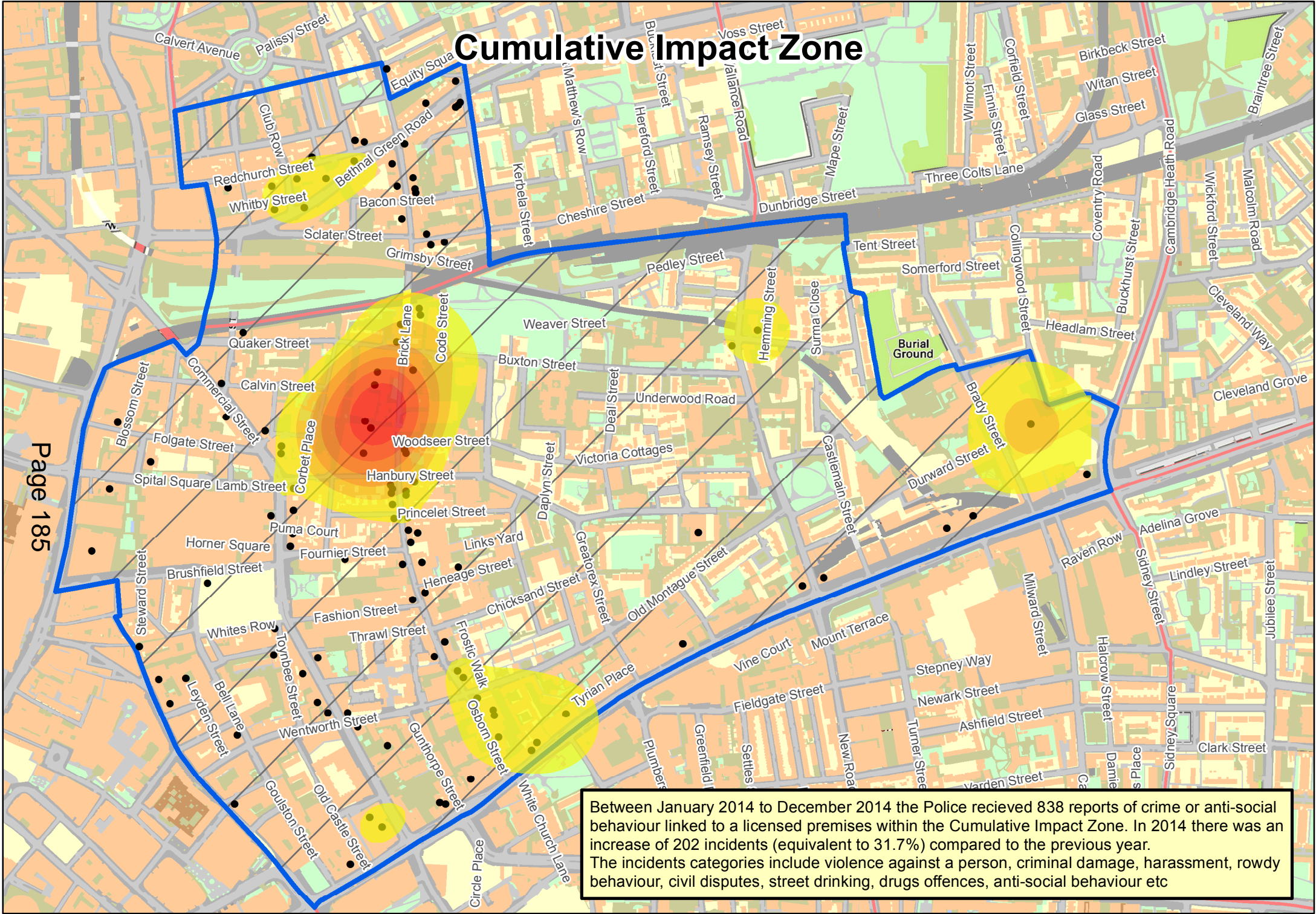
Page 181

Between January 2012 to December 2012 the Police received 622 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, drugs offences, anti-social behaviour etc

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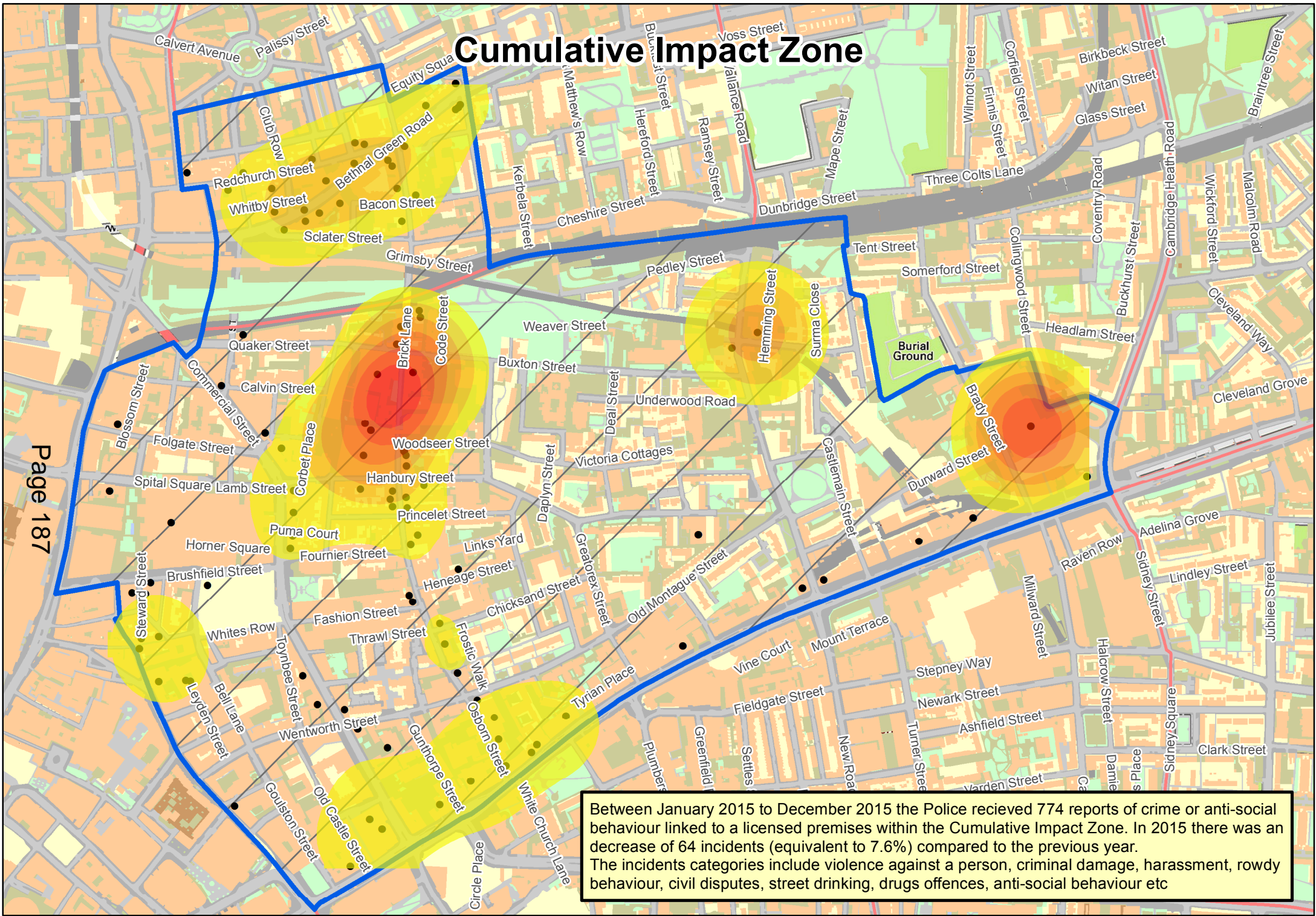
Cumulative Impact Zone



Between January 2014 to December 2014 the Police received 838 reports of crime or anti-social behaviour linked to a licensed premises within the Cumulative Impact Zone. In 2014 there was an increase of 202 incidents (equivalent to 31.7%) 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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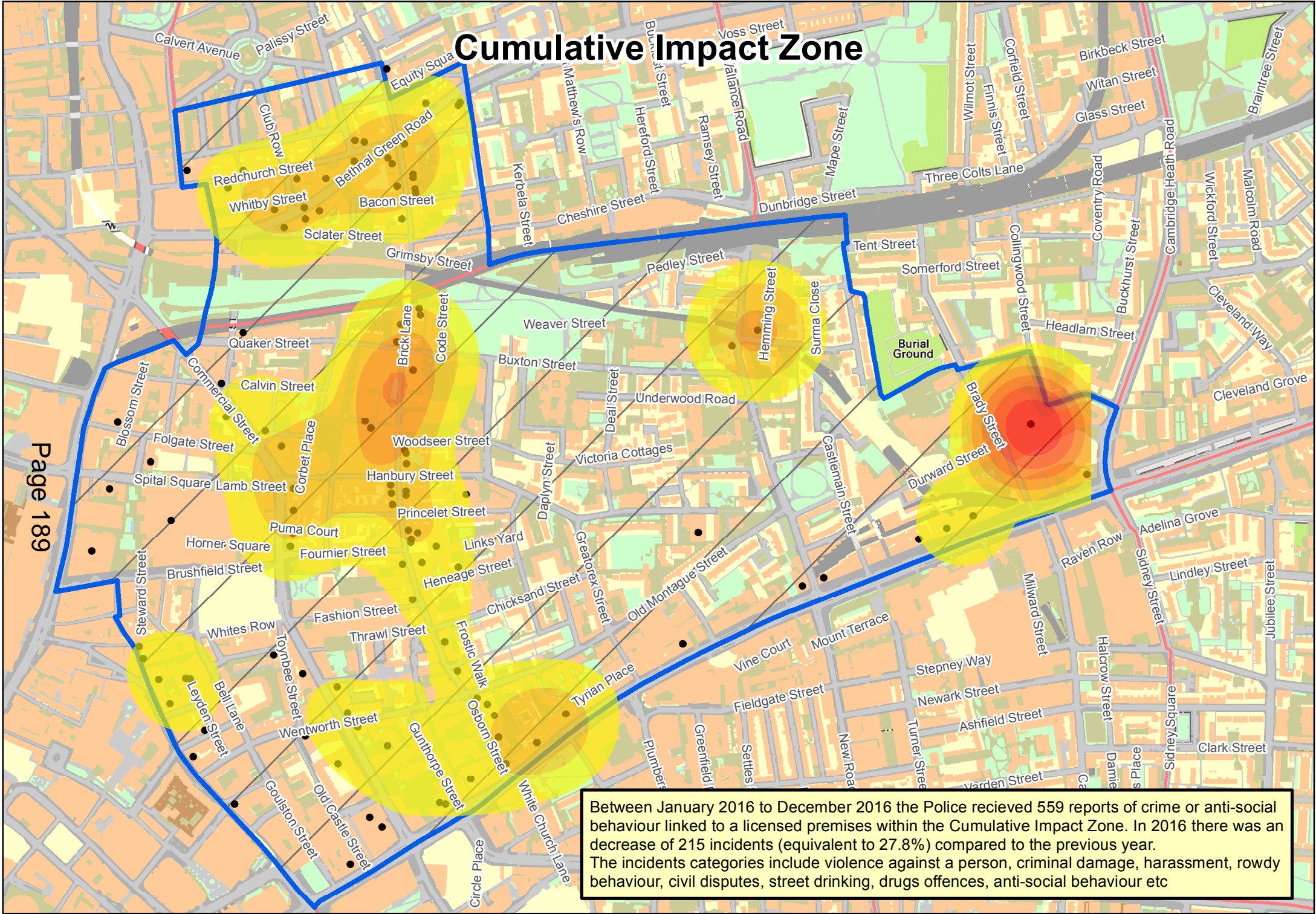
Cumulative Impact Zone



Between January 2015 to December 2015 the Police received 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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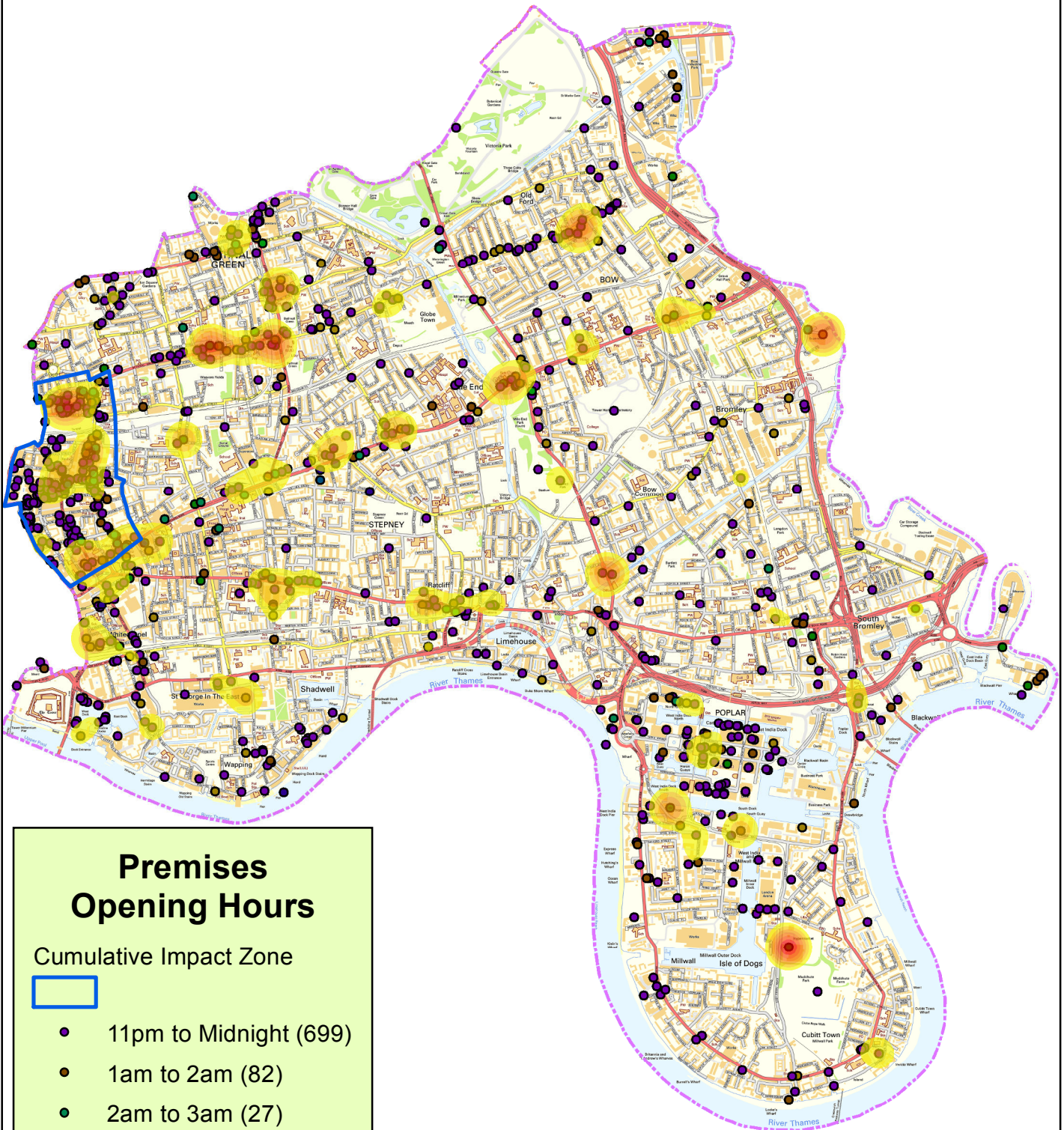
Cumulative Impact Zone



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

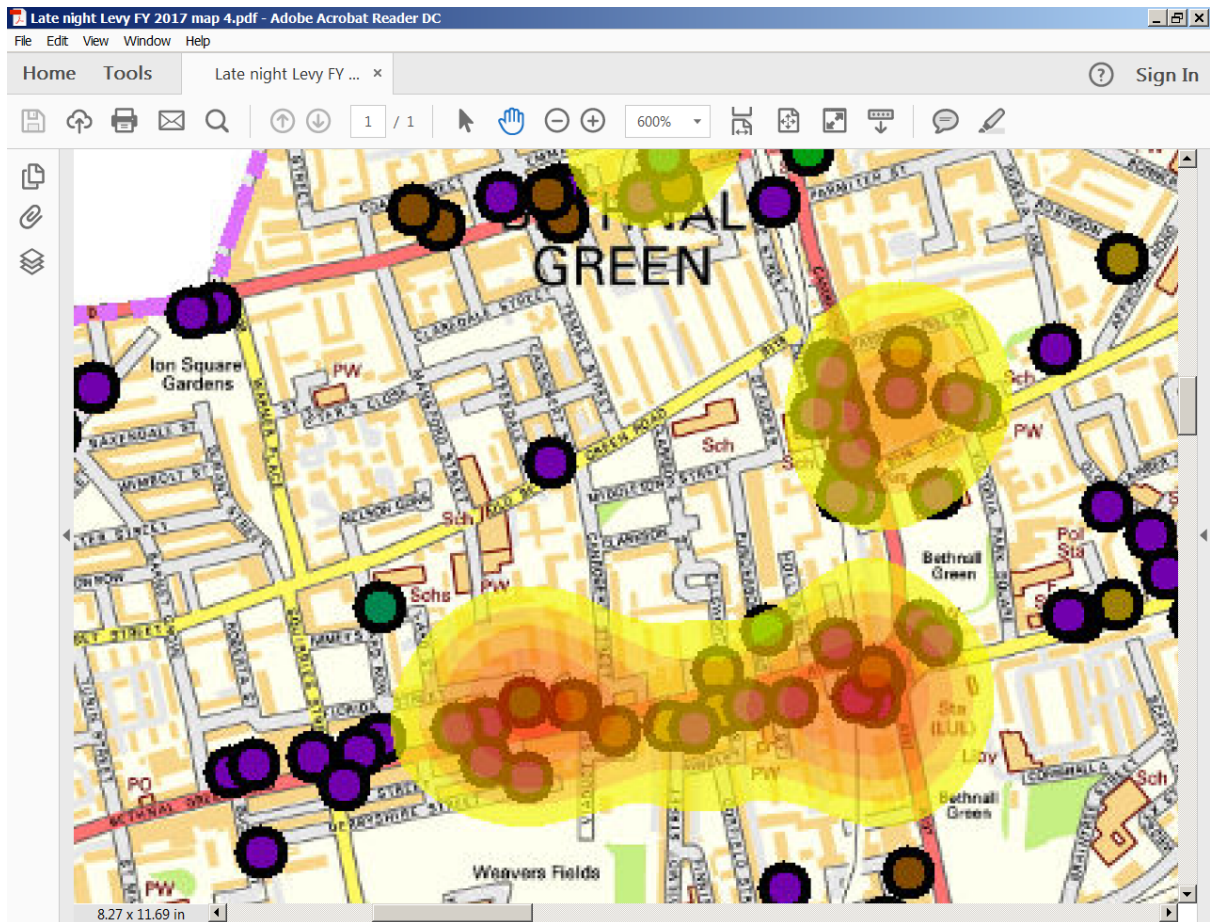


- 11pm to Midnight (699)
- 1am to 2am (82)
- 2am to 3am (27)
- 3am to 4am (6)
- 4am to 5am (3)
- 5am to 6am (1)
- 6am to 7am (3)
- 24 Hour (39)

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



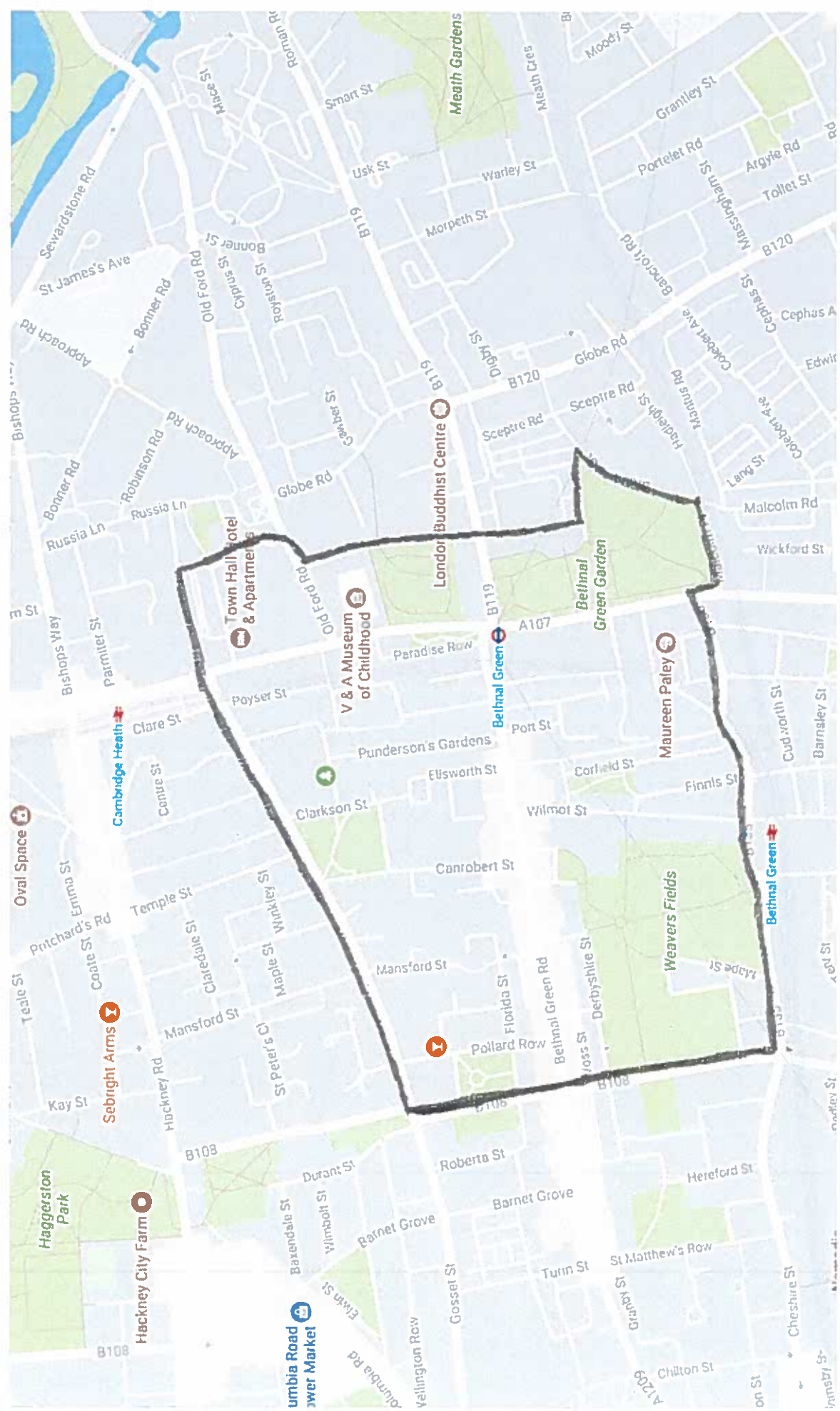
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Appendix 8 – 999/101 calls in 16/17 for the proposed Bethnal Green CIZ

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

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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<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>14th December 2017</p>	
<p>Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Place</p>	<p>Classification: Unrestricted</p>
<p>Night time Economy visits and Enforcement Update</p>	

Originating Officer(s)	Damian Doherty, Licensing Officer
Wards affected	All wards

Summary

This is a report on the results of late night inspections undertaken by the Environmental Health and Trading Standards Service. The objective was to carry out late night visits to premises where intelligence received alleged a contravention of the Licensing Act 2003. It was led by a Licensing Officer and utilised Officers from across Environmental Health and Trading Standards. Many of the enforcement visits include test purchasing to investigate compliance.

The operation was run on Friday and Saturday nights between the hours of 22:00 and 03:00 hours.

These late night visits investigated a variety of alleged issues relating to licensed premises, such as:-

- premises undertaking licensable activities without a Licence.
- premises not complying with conditions and restrictions detailed in their licence.
- licensed premises that have failed to pay the annual Licence fee and under have had their Licence suspended but are still carrying out licensable activities.
- premises undermining the one or more of the Licensing Objectives

This report is concerned with the enforcement visits undertaken in 2016/17 and 2017/18 (to date) and the achievements of these visits.

Recommendations

The Licensing Committee is asked to:

1. Note the activity that has been undertaken by the Environmental Health and Trading Standards Service with regards to regulating Late Night Licensed Premises.

1. REASONS FOR THE DECISIONS

- 1.1 This is a noting report to advise the Licensing Committee of the outcome of the inspections and no decision is required.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report.

3. DETAILS OF REPORT

- 3.1 There are approximately 1,145 licensed premises within the Tower Hamlets, which includes bars, pubs, clubs, restaurants, off licenses, late night takeaway, and café type premises. Premises undertaking licensable activities must have a licence under the Licensing Act 2003 authorising them to carry out one or more licensable activities. The licence will state the times they are allowed to carry out these licensable activities and may also have additional conditions specific to the premises. All such matters detailed on the licence are to ensure the promotion of the 4 Licensing Objectives. The late night visits are to check on compliance with the Licensing Act 2003, in respect of premises where intelligence received suggests non-compliance.

- 3.2 Where non-compliance is witnessed and a breach of the Licensing Act 2003 is established, such as carrying out one or more licensing activities, either without a licence or contrary to licence conditions or restrictions (e.g. provision of hot food or drink beyond the hours detailed in the Premises Licence), appropriate and proportionate action is taken in line with the Council's Enforcement Policy. This action can include:

- Warning Letters,
- Application to review of premises licence,
- Investigation for referral for prosecution.

- 3.3 Such formal action is a graduated approach and the type of action will depend on such matters as compliance history of the premises, attitude of Licensee, extent and seriousness of the breach.

Late Night visits outcomes

- 3.4 A total of 230 inspections were undertaken with 24 premises receiving warning letters for non-compliance, i.e. only 10% of the premises visited. There were 6 successful prosecutions and 1 unsuccessful prosecution in 2016/17. When taking a graduated approach to enforcement, where a business had been sent a warning letter within 2 years of the offence being witnessed the matter would normally be referred to the Council's Legal Team for consideration for prosecution. Appendix 1 provides a breakdown of the actions taken by ward.

- 3.5 The compliance rate for 17/18 (to date) has demonstrated a drastic downturn with 28 premises being non-compliant from 130 inspections this year so far.

This equates to a 21% non-compliance rate. The breakdown by ward is shown in Appendix 2.

- 3.6 The probable reason for this downturn between 2016/17 and 010/4/17 to 05/11/17 is due to the intelligence used for the inspections in 2016/17 was relatively old. Furthermore as the operation has continued Licensing Officers have been able to identify further non-compliant premises whilst undertaking late night visits to other premises. Premises that have had their licenses suspended for non-payment of their Annual Licence fees have also been visited during this year's operation, whereas in the previous year these premises were not visited as part of this operation.
- 3.3 Appendix 3 demonstrates the number of prosecutions and outcomes as a result of the late night inspections.
- 3.4 Appendix 4 shows the current prosecutions that are being worked through in relation to recent late night inspection non compliances.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The report provides an update on the activity of the Environmental Health and Trading Standards Service. The budgeted resources that support the service are managed within the £4.5m net budget envelope for the Environmental and Regulatory Service. There are no direct financial implications emanating from the recommendation in this report.

5. LEGAL COMMENTS

- 5.1 The Licensing Act 2003 ('the 2003 Act') established a single integrated system for licensing premises that are used for alcohol, entertainment and late night refreshment. Under this legislation, each local authority is known as the 'licensing authority' and is responsible for licensing alcohol, entertainment and late night refreshment in its geographical area.
- 5.2 The London Borough of Tower Hamlets is a Licensing Authority and amongst its functions it is required to ensure compliance with conditions imposed on Premises Licences; take action against unlicensed premises; and act as a respondent on Appeals against decisions of the Licensing Sub-committee in respect of applications that come before it.
- 5.3 Section 4 of the 2003 Act requires the Council to carry out its licensing functions with a view to promoting the licensing objectives. Such functions include the carrying out of enforcement functions. In carrying out such functions, regard must also be had to the Council's own statement of licensing policy and the licensing guidance issued by the Secretary of State.
- 5.4 Where the Council takes enforcement action then it also has to do so in accordance with the Council's Enforcement Policy. The Enforcement Policy

provides that the Council's approach to enforcement is founded on firm but fair regulation, around the principles of:

- **raising awareness** of the law and its requirements;
- **proportionality** in applying the law and securing compliance;
- **consistency** of approach;
- **transparency** about the actions of the Council and its officers; and
- **targeting** of enforcement action.

5.5 When making decisions, the Council must have due regard to the need to eliminate unlawful, 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). This includes when taking decisions regarding enforcement including enforcement visits. It is recognised that enforcement action may lead to indirect discrimination in limited circumstances. An equality analysis should be conducted prior to any enforcement operation being undertaken.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 These late night inspections will ensure:

- That Tower Hamlets remains a safe and cohesive Community and a great place to live by dealing accordingly with offending premises and ensuring compliance.
- It ensures it's a fair and prosperous community by ensuring unlicensed premises are dealt with accordingly and that licensed premises prosper within their permissions granted.

7. BEST VALUE (BV) IMPLICATIONS

7.1 This work will ensure that licence fees that are due to the Council under the Licensing Act 2003 are received. Those businesses that do not submit their licensing fees will have their licences suspended.

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 its decision making process on formal action is not transparent and evidentially based in relation to non-compliance of licence conditions.
- 9.2 The impact of business operating without a licence has a potential impact on the local community.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 The enforcement of licence conditions and prosecution of offending businesses both licensed and unlicensed. The assists with the reduction of anti-social behaviour and controls the inappropriate use of alcohol sales and consumption, in addition to identifying localised disturbances around late night refreshment premises.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

Appendix One: 2016/17 Visits per ward and outcomes

Appendix Two: 2017 to date visits per ward and outcomes

Appendix Three: Prosecution outcomes

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

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE.

Officer contact details for documents:

- N/A

Appendix 1

Inspections 2016/17	
Ward	No. Visits
Blackwall and Cubitt Town	17
Bethnal Green	15
Bromley North	3
Bromley South	2
Bow East	5
Bow West	11
Canary Wharf	1
Island Gardens	7
Lansbury	13
Limehouse	3
Mile End	10
MILLWALL	2
St. Dunstan's	14
Shadwell	6
St. Katherine's and Wapping	1
Spitalfields and Banglatown	42
St. Peter's	27
Stepney Green	3
Whitechapel	22
Weavers	26
Grand Total	230

2016/17	
Ward	No. Warning Letters Sent
Bethnal Green	4
Blackwall and Cubitt Town	1
Bow East	1
Bow West	0
Bromley North	1
Lansbury	1
Mile End	1
Poplar	0
St. Dunstan's	2
Shadwell	0
St. Katherine's and Wapping	0
Spitalfields and Banglatown	6
St. Peter's	2
Stepney Green	1
Whitechapel	3
Weavers	0
Grand Total	24

Appendix 2

1st April 2017 to 5th November 2017

Inspections 2017/to date	
Ward	No. Visits
Blackwall and Cubitt Town	1
Bethnal Green	10
Bow East	8
Bow West	1
Lansbury	4
Mile End	22
Poplar	2
St. Dunstan's	1
Shadwell	9
St. Katherine's and Wapping	4
Spitalfields and Banglatown	26
St. Peter's	14
Stepney Green	5
Whitechapel	10
Weavers	13
Grand Total	130

Dymock 2017/to date	
Ward	No. Warning Letters sent
Bethnal Green	1
Bow East	2
Mile End	4
Poplar	2
Shadwell	1
Spitalfields and Banglatown	6
St. Katherine's and Wapping	1
St. Peter's	5
Weavers	1
Whitechapel	5
Grand Total	28

Appendix 3

Premises Prosecuted for breach of Licensing Act 2003:

1. Cost Price, 41 Brick Lane

Breach of Licensing Act 2003 - Section 136(1)(b)

The reason for this breach was because Cost Price failed to comply with the conditions of their Premises Licence on two separate occasions where the Licensee knowingly allowed the breach of licence conditions. Namely the breach of the following condition attached to the Licence:

The premises will not sell any beer, larger or cider that exceeds the strength of 5.6% abv or higher unless 3 or more bottles/cans are purchased together.

Officers were able to purchase on one enforcement visit 2 bottles of cider exceeding 5.6% abv and on another separate enforcement visit Officers were able to purchase a can of cider again exceeding 5.6% abv.

Result:

Licensee was sentenced as follows:

Fine: £250.00

Costs: £150.00

Victim Surcharge: £30.00

2. Real Taste 212 Mile End Road

Breach of Licensing Act 2003 - Section 136(1)

The reason for this breach was because Real Taste's Licence holder knowingly allowed the provision of late night refreshment (provision of hot food or drink between 23:00 and 05:00 hours) outside of his licensable hours.

The provision of hot food was made on a number of occasions by Mr Islam (not the Licence holder) and this was despite of a number of previous warnings for the same offence.

Both the Licensee and Mr Islam made the sale of hot food beyond the licensable hours were prosecuted for making the sale and knowingly allowing it.

Result:

Licensee was sentenced as follows:

Fine: £200.00

Costs: £ 550.00

Victim Surcharge: £30.00

Member of staff who made the sale sentenced as follows:

Fine: £400.00 (£100.00 for each offence)

Costs: £1,000.00

Victim Surcharge: £30.00

3. On the Grill 89 Roman Road

Breach of Licensing Act 2003 - Section 136(1)

The reason for this breach was because On the Grill did not hold a Premises Licence and yet despite previous warnings made the provision of late night refreshment (provision of hot food or drink between 23:00 and 05:00 hours) without a licence.

Both the person who made the sale of hot food after 23:00 hours and the company were prosecuted.

Result:

Salesperson and E2 (London) Ltd were sentenced as follows:

2 x Guilty Pleas

Fine £400 each

£ 40 victim surcharge each

Costs contribution of £450 each

Credit for guilty plea BUT both defendants viewed as having flagrant disregard for the law

Company £800 total owed. 28 days to pay in full. Collection order made. owner £800 owed.

4. Shahi Karahi, 22 Osborn Street

Breach of Licnesing Act 2003 – Section 57 and 136(1)

The reason for these breaches was because the Licensee allowed the provision of late night refreshment (provision of hot food or drink between 23:00 and 05:00 hours) outside of his licensable hours.

He also failed to keep a certified copy of the Licence at the premises

Result:

Licensee was sentenced as follows:

Fine: £200.00. There was no separate fine for the offence for not displaying the Licence.

Costs: £912.00

Victim Surcharge: £30.00

A collection order was made.

5. Flavas Pizza 612 Roman Road

Breach of Licensing Act 2003 Section 136(1)(a)

The reason for this breach is because the premises had failed to pay its annual fee for the Licence. Therefore the licence had been suspended meaning that they were not licensed for the provision of late night refreshments (provision of hot food or drink between 23:00 and 05:00 hours).

Despite this they continued to provide hot food beyond 23:00 hours and Licensing Officer witnessed the Licence Holder doing this.

Result:

Licensee was sentenced as follows:

Fine: £440

Costs: £675 (as applied)

Victim Surcharge: £44

This totals £1,159. A collection order was made.

6. HFC 127 Whitechapel Road

Breach of Licensing Act 2003 – Section 136(1)(a)

The reason for this breach was because On the HFC did not hold a Premises Licence and yet despite previous warnings made the provision of late night refreshment (provision of hot food or drink between 23:00 and 05:00 hours) without a licence.

Result:

Business owner was sentenced as follows:

Fine: £100

Costs: £600


Victim Surcharge: £30

Appendix 4

Total pending potential prosecutions:

Ward	Ongoing Investigations for Breach of Potential Licensing Act 2003
Bow East	1
Limehouse	1
Mile End	1
Shadwell	1
Spitalfields/Banglatown	1
Stepney Green	1
Weavers	2
Grand Total	8

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Non-Executive Report of the: Licensing Committee 14 th December 2017	
Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	Classification: [Unrestricted]
London Local Authorities Act 1991 Application for a New Special Treatment Licence for Relax Studio, Unit 2, 1 Gunthorpe Street, E1 7RG	

Originating Officer(s)	Charlotte Basten Environmental Health Officer
Wards affected	Spitalfields and Banglatown

1. Summary

Applicant:	Mr Wai Ming Yau
Name and Address of Premises:	Relax Studio Unit 2, 1 Gunthorpe Street London E1 7RG
Licence sought:	Special Treatment Licence under The London Local Authorities Act 1991 Application for a new Special Treatment Licence
Objectors:	Environmental Health- Licensing and Safety

2. Recommendations:

The Licensing Committee is recommended to consider the application and objections then adjudicate accordingly.

3. Background

- 3.1 This is an application made on the 28th September 2017 by Mr Wai Ming Yau for a new special treatment licence under Section 6 (2) of the London Local Authorities Act 1991 for Relax Studio, Unit 2, 1 Gunthorpe Street, E1 7RG. A copy of the application can be found at **appendix 1**.
- 3.2 A licence from the Council is required for the use of a premises as an establishment for special treatments. An establishment for special treatment is defined in the Act as any premises in the borough used, intended to be used or represented as being used for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths.
- 3.3 Planning permission is granted for the use of the premises as *sui generis* with operating hours from 08:00 until 20:00.
- 3.4 The current application is to permit the premises to operate as an establishment for special treatments offering Massage.

4. Legal Powers and Advice

- 4.1 Licences are granted subject to standard conditions.
- 4.2 The Standard Conditions of the London Borough of Tower Hamlets made under the London Local Authorities Act 1991, Section 10 (1). It is the duty of any licence holder to be aware of and abide by those conditions. A copy of the standard conditions can be found at **Appendix 2**.
- 4.3 The council has made Regulations for annual special treatment licences under section 10 (1) of the London Local Authorities Act 1991. These are available as **Appendix 3**.
- 4.4 Under the London Local Authorities Act 1991 the borough may refuse to grant a licence on the following grounds
- (a) the premises are not structurally suitable for the purpose;
 - (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
 - (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
 - (d) the persons giving the special treatment are not suitably qualified;
 - (e) the premises have been or are being improperly conducted;

- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- (j) they are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act;

4.5 Legislation provides that where an applicant is aggrieved at the Council refusing to grant, or renew a licence or at any condition or restrictions imposed, the applicant may within twenty one days of being notified of the Council's refusal, appeal to a Magistrates Court. The Court may grant an order for the issue of a licence or may remove any condition or restriction imposed. Should the applicant still feel aggrieved at the Court's decision there is a right of appeal to the Crown Court.

5 Consultation

- 5.1 The application has been consulted on in accordance with the London Local Authorities Act 1991. This has included:
- 5.2 A site notice at the premises displayed by the applicant during the required period.
- 5.3 A press advert was placed in the Docklands and East London Advertiser on the 12TH October 2017, by the applicant.
- 5.4 The following is a list of those also consulted in regards to the application:

The Police
The Fire Brigade
Environmental Health

6 Objections/Responses to the Consultation

- 6.1 The Environmental Health – Licensing and Safety Team are objecting to the new application on the grounds that the premises have been or are being

improperly conducted. Please see **Appendix 4**. The objections have already been made available to the licence holder's legal representative and will also be made available to Members. The objections are due to the following reasons:

- Evidence gained from Test Purchase visits on the 23rd June 2017 and the 27th June 2017 and which showed that services of a sexual nature were being offered at the premises in return for money.
- Evidence from visits to the premises have revealed that the premises was open and advertising as an establishment for special treatments with no licence in place after 30th August 2017 when exemption was revoked.
- Several complaints from a member of the public regarding the premises being open and advertising as an establishment for special treatments with no licence in place after 30th August 2017 when exemption was revoked and open beyond permitted hours.

6.2 The Fire Brigade were consulted, please find below a summary of their comments.

- None, no response received.

6.3 The police were consulted, please find below a summary of their comments.

- None, no response received.

6.4 Local residents, please find below a summary of their comments.
See Environmental Health objection above.

7 Environmental Health Recommendations Following Consultation

7.1 Following objection from the Environmental Health, Licensing and Safety Team including complaints from a local resident, Members are asked to consider the representations when determining the new application.

8 Summary of Premises and Licence History

8.1 Special treatment establishments do not require a license in the Borough of Tower Hamlets if they are members of a bona fide body of health practitioners listed on the document *list of bodies of health practitioners granted exemption by the London Special Treatments Group under the London Local Authorities Act 1991*. This can be found at **appendix 5**.

8.2 The premises was formally exempted from Licensing under the London Local Authorities Act 1991. Exemption was granted as treatments were being carried out by Ms Chak Wa Yiu. Ms Chak Wa Yiu was a member of a body of health practitioners that has an exemption from the special treatment licensing regime under Section 4,b (ii) of the London Local Authorities Act.

- 8.3 Test purchases revealed that services of a sexual nature were being offered to customers on the premises.
- 8.4 The exempted body- Independent Professional Therapists International (IPTI) was informed of the test purchases. The IPTI then cancelled Ms Chak Wa Yiu's membership from the 30th August 2017.
- 8.5 The manager of the premises was informed that they must stop trading as a special treatment establishment as they were no longer exempt from the licensing regime and did not have a license.
- 8.6 The premises continued to trade and advertise as a special treatment establishment without a license.

9 Complaints and Enforcement History

- 9.1 The premises has received the following complaints in the last 24 months: It should be noted that these complaints are from one source.

Date	Complainant	Nature of Complaint
30/03/2016	Member of The Public	Allegation that massage premises is open outside of hours permitted by planning permission- at 20:27 30.03.2016.
6/4/2016	Member of the Public	Allegation that massage premises is open outside of hours permitted by planning permission- at 20:27 evening 30/3/2016.
01/07/2016	Member of The Public	Email including an allegedly illegally placed A board and a handwritten sign on the A board allegedly saying in Cantonese <i>Bold Black Chinese: Go to hell, I will check CCTV (to find out who). Then I will have a gangster kill all your family.</i> <i>Blue Chinese: Mother F**ker, you are always messing with my message board. (If i don't get back at you), I am not my mother's son.</i>
30/05/2017	Member of the public	Email notification that premises was operating without a licence.
14/09/2017	Member of the public	Email notification regarding a discussion about the premises on the website FBSM (full body sensual massage).
15/09/2017	Member of the public	Email notification that premises was operating without a licence at 21:24 on 14/09/2017

26/09/2017	Member of the public	Photograph showing the premises open at 20:15 on the 25/9/2017
26/09/2017	Member of the public	Photograph showing the premises open at 20:43
28/09/2017	Member of the public	Photograph showing the premises open at 20:22
7/10/2017	Member of the public	2 photographs showing the premises advertising special treatments without a licence.
8/10/2017	Member of the public	Photograph showing the premises advertising special treatments without a licence
8/10/2017	Member of the public	Photograph showing the premises open at 20:15 and a male walking in.
10/10/2017	Member of the public	Photograph showing the premises open at 17:25 and male customer walking in.
10/10/2017	Member of the public	Photograph showing the premises with an open sign at 21:00. However lights in the reception area are switched off.
11/10/2017	Member of the public	Email notification that the premises was still advertising special treatments online
11/10/2017	Member of the public	Photograph showing the premises open and open sign in door at 20:30
12/10/2017	Member of the public	Photograph showing the premises open and open sign in door at 21:17.
15/10/2017	Member of the public	Photograph showing the premises open and open sign in door at 21:01
16/10/2017	Member of the public	Photograph showing the premises open and open sign in door at 20:43
17/10/2017	Member of the public	Email with picture of a price list on the front desk of the premises.
21/10/2017	Member of the public	Photograph showing the premises displaying a foot reflexology poster.
21/10/2017	Member of the public	Email including screenshot of advertisement on gumtree for massage.
22/10/2017	Member of the Public	Photograph of Ms Chak Wa Yiu touching the shoulders of a male outside of the premises.

22/10/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:33.
25/10/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:33.
25/10/2017	Member of the public	Photograph of the premises with lights on and door open at 20:54.
26/10/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:36.
29/10/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:49.
01/11/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:30.
2/11/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:32.
5/11/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 21:05.
8/11/2017	Member of the public	Email detailing online advert for the premises at the web address posted 4/11/2017
9/11/2017	Member of the public	Photograph of the premises with lights on and open sign in door at 20:38.

9.2 The premises has received the following visits and related correspondence from the Local Authority in the last 24 months:

Date	Authority	Nature of visit
4/4/2016	Licensing and Safety	Visit following referral from Trading Standards that premises was operating as a special Treatment establishment without a licence. Therapist provided proof of membership with an exempted body (IPTI).
20/04/2016	Planning	Email correspondence to Mr Wai Ming Yau detailing planning requirements. Email chain from planning to landlord of premises and from landlord to Mr Wai Ming Yau at email address yau83@hotmail.com.
3/8/2016	Licensing and Safety	Visit following a complaint about an offensive A board outside of premises also to check that there are no therapists working at the premises that are

		not already exempt. At time of visit only exempt therapist – Ms Chak Wa Yiu was working at the premises.
30/5/2017	Licensing and safety	Visit following notification of unlicensed premises. Provided info on their exemption.
15/08/2017	Licensing and Safety	Visit to premises to check therapist working at premises was still Chak Wa Yiu following receipt of witness statements from test purchase visits.
08/09/2017	Licensing and Safety	Email correspondence with Mr Wai Ming Yau informing him that the premises Relax Studio, Unit 2, 1 Gunthorpe Street, London, E1 7RG would not be considered for exemption from the special treatment licensing regime.
20/09/2017	Licensing and Safety	Visit to premises to check compliance with London Local Authorities Act 1991 as premises no longer exempt from licencing regime and has no licence in place. There were special treatments being advertised in the shop window and on the reception counter on the price list. The treatment rooms were unoccupied but they were set up for possible treatments and baby oil was in the room. Report left on site.
09/10/2017	Licensing and Safety and Police	Joint visit between environmental Health and police officers to check licensing non conformity's. Ms Chak Wa Yiu was at the premises. The premises was advertising massage and reflexology. Posters up in window advertising massage and price list at front of premises with massage in price list.
1/11/2017	Licensing and Safety	<p>Inspection of premises for new special treatment licence. The Applicant- Mr Wai Ming Yau and Ms Chak Wa Yiu were both present. The following issues were noted at the time of the visit.</p> <ol style="list-style-type: none"> 1. They are using baby oil for massage and no other massage oils. 2. A number of perfume/ deodorant sprays in use, apparently because clients have body odour 3. No lidded bins 3. Some light bulbs are not working. 4. No waste contract 5. No first aid kit.

- 9.3 The premises has been subject to the following enforcement action in the last 12 months:

Date	Authority	Nature of Enforcement
21 st October 2017	Planning Enforcement	Enforcement notice issued for change of use to <i>Sui Generis</i> . This was appealed by the Owner. See appendix 6 for a statement of enforcement actions from Planning Enforcement.
Due to be served November 2017 (correct at time of report)	Planning Enforcement	Breach of condition Notice for operating outside permitted hours (8:00 to 20:00)

10 Special Treatment Licenses and Determination

- 10.1 Members should consider the relevant legislation and Standard Conditions (see **Appendix 2** and **Appendix 3** respectively).

11 COMMENTS OF THE CHIEF FINANCE OFFICER

- 11.1 [Financial implications to be prepared by Directorate Finance Manager and agreed with Corporate Finance]

12 LEGAL COMMENTS

- 12.1 This report is asking the Licensing Committee to consider an application for a new Special Treatments Licence at premises trading as Relax Studio at Unit 2, 1 Gunthorpe Street, London, E1 7RG. Such licences are granted in accordance with Part II of the London Local Authorities Act 1991. Mr Wai Ming Yau is the applicant for the licence.
- 12.2 There is only one objection to grant of the licence and it is made by the Council's Health and Safety Team who state that the premises have been or are being improperly conducted. In that regard, section 8 of the 1991 Act sets out the various grounds of potential refusal for the licence. The relevant grounds with regards to improper conduct is set out in paragraph (e) of section 8. This provides that the Council can refuse where the premises have been or are being improperly conducted.
- 12.3 The rules governing applications for Special Treatments Licences are contained with the introductory papers to this report. Members are also advised that these proceedings must comply with Article 6(1) of the European

Convention of Human Rights. This is an ‘absolute’ right and provides that ‘*In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*’

- 12.4 As to what is a ‘fair hearing’ before an ‘independent and impartial tribunal’, the rules of natural justice would apply. There are two principles to the rules of natural justice. Firstly, all parties must be given a chance to put their case and under conditions that do not put one party at a substantial disadvantage to the other party. This means that all parties should be given sufficient notice of the hearing. The applicant should have disclosure of the nature of the objections as well as who is objecting. This includes the right to cross-examine witnesses.
- 12.5 Secondly, a person who has an interest in a matter must be disqualified from considering it. In essence there can be no objective or subjective bias. In considering this both the European Courts and the English Courts have held that it is not necessary to show that there was actual bias but that a person could perceive that bias might have taken place. This means that it is not necessary to show that there was actual bias but that a reasonable person could perceive that bias might have taken place. In essence therefore, if a person from the outside looking in can perceive that bias might have taken place then there has been a breach of natural justice and therefore a breach of Article 6. Accordingly the Committee must be impartial both subjectively, the lack of actual bias, and objectively, the lack of appearance of bias.
- 12.6 If a Member therefore considers that they have an interest then they should declare it and not participate in the meeting. This would include retiring with Members when determining whether or not to grant the licence.
- 12.7 The Committee meeting should be in public except that Members can retire in private when considering their decision. Once the decision has been reached then the decision is to be given in public and the Committee should also give reasons for its decision.

13 Appendices

Appendix 1	A copy of application for a new special treatment licence.
Appendix 2	A copy of the standard conditions for special treatment licences.
Appendix 3	Regulations for annual special treatment licences under section 10 (1) of the London Local Authorities Act 1991

Appendix 4	Representation of Environmental Health (Licensing and Safety Team)
Appendix 5	list of bodies of health practitioners granted exemption by the London Special Treatments Group under the London Local Authorities Act 1991.
Appendix 6	Planning enforcement statement of enforcement action.

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

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE.

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Customer Use
On-line Receipt No.

Official Use Only	
Fee	
On-Line Receipt No.	
C&D Receipt No.	
Licence No.	

ESTABLISHMENTS FOR SPECIAL TREATMENTS

This form should be completed and forwarded to London Borough of Tower Hamlets Environmental Health Department, with a cheque or postal order for the fee due made payable to the London Borough of Tower Hamlets and crossed.

Copies of this application will be sent by us to:-

- (a) Commissioner of Police
- (b) The London Fire and Emergency Planning Authority,

New licence for the premises named at 2 below.

<p>1. Full names and private address of applicants. If the application is made by a limited liability company please give the address of the registered office, and complete the separate sheet which seeks details of the company.</p>	<p>Name: <u>WAI MING YAM</u> Maiden name (if applicable): Address (private): [REDACTED] Date of birth: [REDACTED] Telephone No: [REDACTED] Passport No: OR NI No: [REDACTED]</p>
<p>2. Trade name and address of premises</p>	<p>Name: <u>RELAX STUDIO</u> Address: <u>1 GUNTHROPE ST</u> <u>E1 7RG.</u> Telephone No: <u>0203 6622813</u> Email: [REDACTED] Opening hours (proposed) <u>10 AM / 8 PM</u></p>
<p>3. Please supply details of person responsible for the management of the establishment if other than the applicant.</p>	<p>Full Name: Address (private): <u>AS ABOVE</u> Date of birth: Telephone No: Passport No:</p>

<p>Please enclose 2 passport-sized photographs of applicant</p>	<p>OR NI No: [REDACTED]</p> <p>Enclosed (tick if applicable)</p>
<p>Do you have planning permission to use the premises for the intended purpose?</p> <p>4. (a) Is it proposed to employ staff at the establishment?</p> <p>(b) If so state numbers</p>	<p><input checked="" type="checkbox"/> Yes / No (see K on Note) Please note that you will require <i>sui generis</i></p> <p>(a) <input checked="" type="checkbox"/> YES / NO</p> <p>(b) 1-3</p>
<p>5. (a) What is the legal title of the applicant(s) to occupy the premises (e.g. freehold, leasehold etc.)</p> <p>(b) If leasehold please give details of the name and address of the landlord.</p>	<p>(a) LEASEHOLD</p> <p>(b) [REDACTED] REALITY PROPERTY</p>
<p>6. What parts of the building is it proposed to use under the licence (e.g. basement, ground floor) ?</p>	<p>GROUND FLOOR</p>
<p>7. State precisely <u>all</u> the treatments for which the licence is intended e.g. massage, manicure, acupuncture, ear or cosmetic piercing, tattooing, chiropody, light electric or other special treatments.</p>	<p>MASSAGE / CUPPING</p>
<p>8. State whether it is desired to give treatment to both sexes or to men or women only?</p>	<p>BOTH</p>
<p>9. State whether exemption from condition 7 is required (see note J) for massage purpose only.</p>	
<p>10. Address of any other massage etc., establishment in which applicant or any director of an applicant company is or has been interested and the nature and extent of such interest as</p> <p>(a) Owner or director of owning company; or</p> <p>(b) employee</p>	<p>Address:</p> <p>NO</p> <p>(a)</p> <p>(b)</p>

<p>11. (a) Does applicant propose to carry on a visiting massage service either from these premises or elsewhere?</p> <p>(b) If elsewhere, please state address(es) concerned.</p> <p>(c) Will the masseuses employed on this service also give treatment on the licensed premises?</p>	<p>(a) No</p> <p>(b) No</p> <p>(c) (Yes)</p>
<p>12. Please indicate whether the following are enclosed with your application. (A licence cannot be issued without them. These can be provided at a later stage)</p> <p>If you are in the process of employing therapists please indicate this on the form. Once suitable therapists are selected, current qualifications for each operative and photographs will be required before a license can be issued.</p>	<p><input checked="" type="checkbox"/> Electrical inspection certificate for portable appliances, as requested under the Electricity at Work Regulations 1989</p> <p><input checked="" type="checkbox"/> Two passport-sized photographs of applicant and operators</p> <p><input checked="" type="checkbox"/> Copies of each operator's current qualifications under the conditions of licence</p> <p><input checked="" type="checkbox"/> A copy of the customer vetting/history card</p> <p><input checked="" type="checkbox"/> Copies of the current treatment list and price list</p> <p><input checked="" type="checkbox"/> Third-party insurance (advisable to have)</p> <p><input checked="" type="checkbox"/> Cheque/PO for £328.40 / £528.40 (for IPL with or without other treatments) made payable to the London Borough of Tower Hamlets (cheques must not be drawn on third parties). If you have paid using the Council's online payment facility, please enter the payment reference number in the box on the front of the application form.</p> <p><input type="checkbox"/> Copy of Public Notice placed in Newspaper.</p>

<p>13. DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATION ETC.</p>
<p>In respect of the persons or bodies whose names are given in response to Questions 1 and 3 give details of their previous convictions (with exception of traffic offences).</p>

Signature of applicant(s) 
or applicants solicitor or other duly authorised agent.

Date 27.9.17 Telephone No 

Note: Payment cheques must not be drawn on a third party

Address to which licence application or correspondence should be sent:
Mr D Tolley
Environmental Health and Trading Standards - Health and Safety Team
John Onslow House
1 Ewart Place
London
E3 5EQ

DATA PROTECTION

This fair obtaining statement advises the applicant /person completing this form that it may be necessary to divulge the information contained to third parties or other statutory consultees at the permission of the Council.

PART 4

TO BE COMPLETED IN RESPECT OF A LIMITED COMPANY BY A NOMINATED DIRECTOR

Full name of Limited Company	
Registered Office address of Limited Company Telephone number	
Registered Company number	
Names of all Directors and position. Are any of the Directors involved with other companies that hold a Special Treatments Licence? Please detail.	
Does the Limited Company have licensed premises elsewhere? If so, please detail.	

This form has been completed by(name)
(position)
(signature)
(date)

NOTE

- A. The application should be made by the occupier of the premises.
- B. In the case of a limited company, please also complete Part 4 which seeks details of the company.
- C. Four sets of plans of the premises must be submitted in accordance with directions contained in the Council's rules governing applications for licences.
- D. If required, a notice on the form prescribed by the Council must be exhibited at the premises for twenty-eight days from the date on which the application is made, and within seven days the application must be advertised in a local newspaper which circulates in the locality in which the premises are situated and which is on sale at local newsagents.
- E. Licences normally expire 12 months from the date of issue.
- F. If premises are not already constructed or adapted so as to permit access to and from the premises by disabled people, the Council will expect proposals to be submitted to the Environmental Health Department indicating how such access will be afforded.
- G. Premises are reminded that it is against the law to smoke in all 'enclosed' and 'substantially enclosed' public places and workplaces. No smoking signs must be displayed in all smokefree premises. Staff smoking rooms and indoor smoking areas are no longer allowed.
- H. Two identical full-face passport size photographs (taken within the previous 12 months) of all persons who will be giving treatments at the premises must be supplied with this form. Each photograph should be endorsed with the date on which it was taken, bear the name in block capitals of the person whose likeness it bears, and be signed by the applicant.
- I. No person may give treatments until the Council's approval has first been obtained.
- J. Where treatment is given or is being received to any part of the body other than the neck and head, or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex shall not be present.
- K. If you are unsure as to whether you have the relevant planning permission please contact the planning department at Tower Hamlets Council: Planning Department, Mulberry Place, 5 Clove Crescent
London E14 2BG Tel: 020 7364 5009 Fax: 020 7364 5415
Email: planningandbuilding@towerhamlets.gov.uk

• THE LICENCE FEE IS NON REFUNDABLE – IN ANY EVENT YOU DECIDE TO WITHDRAW YOUR



APPLICATION THE LICENCE FEE WILL BE RETAINED TO COVER ADMINISTRATION COSTS.



Association of Chinese Medicine Practitioners

英国中医执业医师学会

Chinese Medicine Practitioner Certification

中医从业人员证书

We hereby certify that

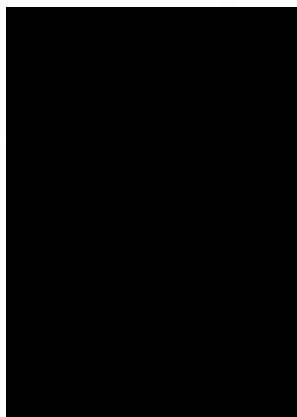


余 诗 莲

**Has been accepted as a member of
Association of Chinese Medicine Practitioners(ACMP)
And is a fully qualified practitioner of Chinese Medicine
(Including Chinese herbal medicine, acupuncture, TuiNa,etc.)**

**All members of Register
Are bound to uphold the highest Chinese Medicine
And are bound by
The Code of Ethics of the Association**

Membership No:C16110



President:



Date of Issue:20th September,2016

Expiry Date: 30th September,2017



Association of Chinese Medicine Practitioners

英国中医执业医师学会

Chinese Medicine Practitioners Certification

中医医师从业人员证书

We hereby certify that



贾 明 华

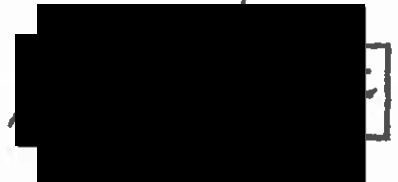
**Has been accepted as a member of
Association Chinese medicine Practitioners(ACMP)
And is a fully qualified practitioner of
Chinese Medicine(including Chinese herbal medicine,
Acupuncture, Tuina, Cupping and the others)**

**All members of Register
Are bound to uphold the highest Chinese Medicine
And are bound by
The Code of Ethics of the Association.**

Membership No:FC204



President:



Vice-President &

General Secretary:



Date of Issue:10th May,2017

Expiry Date: 31st May,2022

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Appendix One

LONDON BOROUGH OF TOWER HAMLETS

MASSAGE AND SPECIAL TREATMENT LICENCE CONDITIONS

The COUNCIL of the LONDON BOROUGH OF TOWER HAMLETS, under the provisions of LONDON LOCAL AUTHORITIES ACT 1991, hereby authorise the person(s) or company named in the schedule to carry on, up to and including an establishment for the giving of massage or special treatment specified in the schedule at the address and in the trade name or style or title so specified subject to the following conditions:-

1. The establishment shall be carried on only for the treatment or business and in the trade name or style or title specified in this licence and at the address mentioned herein.
2. All notices and advertisements issued by or on behalf of the establishment shall bear the trade name or style or title aforesaid and the name of individual assistants shall not be given in such notices and advertisements.
3. The licensee shall at once notify the Council in writing addressed to the Licensing and Safety Team Leader, Environmental Health and Trading Standards, John Onslow House, 1 Ewart Place, London E3 5EQ, of any change in the name or private address of the licensee or in the treatment afforded or the nature of the business carried on at the establishment.
4. Except with the written consent of the Council, the licensee shall not employ in the conduct of the establishment any person (a) whose licence has been revoked or to whom a licence has been refused on the ground that such person is unsuitable to hold a licence to carry on an establishment for massage or special treatment, or (b) who is unsuitable to be so employed on the ground that misconduct in connection with the employment of such person in an establishment for massage or special treatment has been proved to the satisfaction of the Council; and, except with such consent, the licensee shall not allow or permit any such person to be directly or indirectly interested in the business carried on at the establishment.
5. The licensee, if a company within the meaning of the companies Act, 1948, or any Act amending the same shall forthwith notify the Council in writing of any change in the constitution of the directorate of such company during the currency of this licence
6. All treatments shall be given only by persons approved by the Council or, provided that the written consent of the Council has been obtained, under the personal supervision of a person approved by the Council.
7. The following treatments shall, unless the consent of the Council in writing has otherwise been obtained, only be permitted by a qualified physiotherapist in accordance with the directions of a registered medical practitioner with specific reference to the client to whom the treatment is to be given:-
Massage for curative purposes, long and short wave diathermy; ultra-sonic treatments; treatment of moles, ultra-violet ray treatment and electro-sleep therapy

8. No instrument, apparatus or equipment shall be used in the establishment without the prior written consent of the Council.
9. The licensee shall at all times take reasonable precautions to ensure the safety of their clients when on the establishment.
10. The Licensee shall ensure that with exception of those persons receiving treatment in accordance with the conditions of this licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
11.
 - (i) The walls and ceilings of any treatment room or waiting room shall be maintained in a sound structural and clean condition and the surfaces shall be such as to facilitate easy cleansing.
 - (ii) There shall be provided in every treatment room suitable floor covering which shall be such as to facilitate easy cleansing.
 - (iii) There shall be adequate light and ventilation to any treatment or waiting room either by natural or artificial means.
 - (iv) There shall be provided in every treatment room a suitable wash-hand basin or basins provided with an adequate supply of hot and cold water.
 - (v) There shall be provided, in respect of a wash-hand basin, soap, a nailbrush and a supply of disposable towels or a clean towel available at all times.
 - (vi) There shall be provided in every treatment and waiting room suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
 - (vii) Where it is intended that more than one person shall be treated in a room, suitable screening shall be provided to maintain privacy.
 - (viii) There shall be provided in respect of every establishment sanitary accommodation to the standard laid down in regulations made under the relevant registration such sanitary accommodation to be available to and readily accessible for clients.
 - (ix) There shall be provided proper means for securing the cleanliness of all instruments, towels and materials and equipment used in connection with the establishment.

Further condition to be included in appropriate cases:-

12. Unless otherwise expressly permitted by the Council when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment and persons of the opposite sex shall not be present.

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REGULATIONS MADE BY THE LONDON BOROUGH OF TOWER HAMLETS UNDER SECTION 10 (1) OF THE LONDON LOCAL AUTHORITIES ACT 1991 PRESCRIBING STANDARD CONDITIONS FOR ANNUAL SPECIAL TREATMENT LICENCES.

NOTES:

- (I) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (II) Nothing in these rules shall be construed as interfering with (I) the discretion of the licensee or his representative regarding the admission of any person or (II) the need to strictly comply with all relevant statutory requirements.
- (III) These rules are divided into three parts as follows:
- Part I - General
- Part II - Rules which apply to all premises.
- Part III - Rules which apply to larger premises of where there are special circumstances (e.g. complex layouts).
- (IV) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

Disabled People

It is the policy of the Council that there should be access and facilities for disabled people at premises licensed for special treatment. Licensees are therefore encouraged in the strongest possible terms to provide such facilities so as to enable the admission of disabled people. To this end Council officers will be pleased to discuss and advise on the best ways to achieve this.

PART 1

GENERAL

Definitions

1. In these rules, unless the context otherwise requires:

“Approval of the Council” or “Consent of the Council” means the approval or consent of the Council as Licensing Authority in writing.

“Approved”, “accepted” or “permitted” means approved, accepted or permitted by the Council in writing.

all “Approved arrangements” means the arrangement of the premises, fitting, installations and other things in connection therewith as approved by the Council.

“Council” means the appropriate licensing authority.

“Escape Lighting” (safety lighting) means lighting, obtained from a source independent of the general supply for the building provided to assist the public and staff to leave the premises without the aid of the normal lighting.

“Establishment for Special Treatment” has the meaning set out in Section 4 of the London Local Authorities Act 1991.

“Fire Authority” means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority.

“Licence” means a special treatment licence granted under Section 6 of the London Local Authorities Act 1991.

“Licensee” means the person or corporate body licensed under Section 6 of the London Local Authorities Act 1991.

“Management Lighting” means the combination of the approved escape lighting and that portion of the normal lighting which in the absence of adequate day lighting is intended for use to facilitate easy movement about the premises during the whole time the public are present.

4, “Non-combustible material” means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476: Part or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.

“Normal Lighting” means all lighting, other than escape lighting permanently installed in those parts of the premises to which the public have access. The term includes purely decorative lighting but not lighting installed solely for advertising purposes.

“Officer” means any person authorised in writing by the Council. (This may include officers of the London Fire and Emergency Planning Authority.

“Public” means any person other than a member of staff admitted to the licence premises.

“Premises” means any premises within the Council’s area licensed for special treatment and includes all installations, fittings and things in connection therewith.

Dispensation or Modification

2. (A) These rules may be dispensed with or modified by the Council in any special case.
- (B) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (C) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II

RULES WHICH APPLY TO ALL PREMISES

Type of Business

3. The establishment shall be carried on only for the treatment or business and in the trade name or style specified in the licence and at the address mentioned therein.

Exhibition of Licence

4. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

Responsibility of Licensee

5. (A) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

(B) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisement) Regulations 1989 or any Order amending or replacing the same.

(C) The premises shall not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Buildings Acts 1930-1939, the Building Act 1984 and the Building Regulations 1985 or any legislation amending or replacing the same.

(D) The licensee shall at once notify the Council in writing of any change in the name or private address of the licensee or in the treatments provided or in the nature of the business carried on at the establishment.

(E) The licensee shall ensure compliance at all times with the relevant provisions of the Health & Safety at Work etc.. Act 1974.

Persons in charge of Licensed Premises

6. (A) The licensee or some responsible person nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by any officer authorised in writing by the Council. The person in charge shall not be engaged in any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these rules, a copy of which should be held on the premises..

(B) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

Conduct of Premises

7. (A) The licensee shall maintain good order in the premises.

(B) The licensee shall ensure that no part of the premises are used by prostitutes, for soliciting or any other immoral purposes.

(C) The licensee shall ensure that the public are not admitted to any part or parts if the premises other than those which have been approved by the Council.

(D) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

(E) The licensee shall not do, or permit in the establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the establishment a customer or any other person who has committed such an act in the establishment. The licensee shall not employ or permit or suffer to be in or upon the establishment any person who has been convicted of an offence under the Sexual Offences Acts 1956 to 1985 or the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 and shall cause all persons in his employ engaged in the establishment to be decently and properly attired, and he shall not permit the door of any room or place in the establishment for the time being in use for the giving of massage or special treatment to be locked during the period that the client is therein.

(F) The licensee shall ensure that with the exception of those persons receiving treatment in accordance with the conditions of the licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.

(G) Except with the written consent of the Council, the licensee shall not employ in the conduct of the establishment any person (a) whose licence has been revoked or to whom a licence has been refused on the ground that such person is unsuitable to hold a licence to carry on an establishment for massage or special treatment; or (b) who is unsuitable to be so employed on the ground that misconduct in connection with the employment of such person in an establishment for massage or special treatment had been proved to the satisfaction of the Council; and except with such consent, the licensee shall not allow or permit any such person to be directly or indirectly interested in the business carried on at the establishment.

(H) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Persons who can give Treatment

8. (A) Except as provided by 8 (c) below, treatment shall only be given by qualified persons who have been approved by the Council and in respect of whom two identical full face passport size photographs taken within the 12 months preceding the application for approval have been submitted to the Council.

(B) Any certificate of qualification (or a true reproduction) of such approved persons together with a recent full face photograph shall be displayed in the reception area so that all persons who wish to receive treatment may easily examine them: and

(C) Treatment may also be given by other person provided:

(i) the person giving treatment is under the personal supervision of a person approved by the Council: and

- (II) the Council's consent in writing has first been obtained and is current at the time of treatment.

Restriction on Treatment

9. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the Knee or hands and arms is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to the persons of the same sex as the person giving the treatment, and persons of the opposite sex shall not be present.

Moles

10. Moles shall be treated only in accordance with directions given by a registered medical practitioner with reference to each person to whom treatment is given. A record shall be kept by the licensee of every instance of treatment of moles, such record shall include the name and address of the medical practitioner by whom such treatment was prescribed, the names of the persons giving and receiving such treatment and the date of such treatment: such record shall be produced on the demand of an inspector appointed by the Council.

Eye Protection

11. The licensee shall provide suitable and sufficient eye protection to persons receiving suntanning treatment.

Ultra-violet Radiation Equipment

12. The licensee shall ensure that all ultra-violet radiation equipment installed in the licensed establishment is used and operated in accordance with the Health and Safety Executives guidance note GS18 Commercial Ultra-Violet Tanning Equipment.

Identification of Staff

13. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed under Condition 8 (b).

Records

14. Records shall be kept at the premises in a form approved by the Council of persons receiving treatment. The record shall include the name of the person receiving treatment, the time of admittance for treatment and the real name of the person giving treatment. In case of staff approved under Condition 8 (c) the entry shall include both the name of the person giving treatment and of the person supervising.

Tariff

15. All licensable treatment provided at the premise shall be clearly listed in a priced tariff. This tariff shall also clearly show the cost of any additional services provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Display of Tariff

- 16.** There shall be prominently and legibly displayed a comprehensive tariff of charges which shall where necessary be illuminated and be placed in such a position that it can easily and conveniently be read by persons before entering the premises. Where this is impossible, the tariff may with the consent of the Council be displayed in the reception area.

Noise and Vibration

- 17.** The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which give rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.

Admission of Council's Officers

- 18.** Officers of the Council, who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times to all parts of the premises.

NOTES

(I) The officers of the Council are authorised to inspect on behalf of the Council. These officers can give written notification to licensees or their responsible representatives of matters noted during inspection which are not in accordance with the approved arrangements for the premises, the conditions of the licence, or which may present a hazard to the public.

(II) Officers of the LFEPA are authorised to inspect premises licensed for special treatment under the provisions of Section 15 (1) (b) of the London Local Authorities Act 1991.

Overcrowding

- 19.** Overcrowding shall not be allowed in any part of the premises.

Change of Use

- 20.** No change of use of any portion of the premises from that approved by the Council's consents has been obtained thereto.

Maintenance

- 21.** The approved arrangements shall be maintained at all times in good order, repair and condition.

Alterations

- 22.** Alterations or additions, whether permanent or temporary, to the approved arrangements including the means of lighting, sanitation or ventilation or to the structure or layout of the premises, shall not be made except with the prior consent of the Council. Provided that this condition shall not require notice to be given to the Council of any work which is necessary for the efficient maintenance of the approved arrangements and which are carried out in accordance with these conditions.

Notice in writing shall be given to the Council of any alteration or addition proposed to be made, and such notice shall be accompanied by full details and, if necessary, by drawings (in duplicate). The work shall not be started until the consent of the Council has been obtained. Notice in writing shall be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council so require the premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.

NOTE: Any consent under this condition does not relieve the licensee of any necessity to seek a variation in the terms of the licence e.g. changes in the parts of the premises to be licensed and if required by the Council of advertising that application.

Notice of re-opening

- 23.** In the event of any premises being closed for the purpose of effecting alterations, additions, repairs or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the licensee of his intention to reopen the premises, and in order that necessary inspections and tests may be made at the premises by the Council's officers, a clear interval of at least 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of the proposed reopening of the premises.

ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES

Maintenance

- 24.** (a) The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements. Except with the consent of the Council, bars, wire guards or the like shall not be fitted to windows, nor shall the windows be likewise obstructed in a manner likely to render them unavailable for the purposes of exit in case of emergency.
- (b) Any mirrors, pictures, notices or advertisements which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line i.e. 2 metres above the floor.
- (c) Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of such premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.
- (d) All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open

Maintenance of Exits

- 25.** All exit doors shall be available for egress during the whole time that the public are on the premises..

Door Fastenings

- 26.** (a) Exit doors and gates shall not be secured closed while the public are on the premises by means of any fastenings other than panic bolts.
- (b) Locking bars, hasps, staples, screw eyes and other fastenings not approved by the Council shall not be fitted on exit doors.

NOTE: In smaller premises, the Council may agree to the provision of simple fastenings.

Removable Fastenings

- 27.** Any removable fastenings permitted by the Council for securing exit doors when the public are not on the premises shall be removed before the public are admitted to the premises and shall not be replaced while the public are on the premises. If a keyboard is required by the Council, it shall be provided in an approved position and before the admission of the public the removable fastenings shall be hung on such board, each in an allotted position, and shall remain on the board during the whole time the public are on the premises.

Non-slippery Surfaces

- 28.** All gangways and exitways and the treads of steps and stairways shall be maintained with non-slippery and even surfaces.

Edges of Steps

- 29.** The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

- 30.** All floor coverings shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Decorations etc.

- 31.** (a) Any curtains which may be permitted by the Council to be hung over doorways, or in or across corridors or gangways, shall be of inherently non-flammable or durably flameproof material, shall not conceal notices and shall be hung so that they can be readily drawn aside and so as not to touch the floor. Any other hangings, curtains or decorations which may be permitted by the Council shall be non-combustible, inherently non flammable or durably flameproof material, or where specified by the Council of material rendered non flammable to the Council's satisfaction.
- (b) Temporary decorations shall not be used except with the consent of the Council.
- (c) Decorations, curtains and hangings shall be flameproof to the satisfaction of the Council. Application for consent shall be made to the Council in writing together with details including documentary evidence as to the fire proof qualities of the materials to the relevant British Standard and accompanied by full details including adequate samples of the materials proposed to be used and, in the case of temporary decorations, a statement as to the period for which it is desired to retain decorations.

Fire Appliances

- 32.** (a) Fire appliances and equipment approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instant use.
- in (b) Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti freeze agent shall be examined and re-charged in compliance with manufacturer's instructions.
- (c) Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.
- (d) All testing of fire appliances and equipment shall be at the expense of the licensee.

Fire Warning Arrangements

- 33.** (a) Where a fire alarm system has been installed and approved by the Council it shall be efficiently maintained in satisfactory working order. The system shall be maintained and serviced in accordance with BS 5839 and tested regularly in accordance with conditions imposed by the Council. All checks, tests and defects shall be recorded in a log book.

When a fire alarm system becomes defective the licensee shall notify the Council and take immediate steps to rectify the fault to the satisfaction of the Council.

- (b) All testing of automatic/manual fire alarm systems shall be at the expense of the licensee.

Outbreak of Fire

- 34.** The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

Sanitation

- 35** The licensee shall ensure that adequate sanitary accommodation is available in the premises for the use of both staff and public and in particular shall:

- (a) Maintain each sanitary convenience in clean and efficient order.
- (b) Ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean.
- (c) Ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitable controlled temperature, together with an adequate supply of soap and suitable hand drying facilities.
- (d) Ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc so that satisfactory sanitation can be maintained.
- (e) Where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Conditions of Premises

- 36.** All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

- 37.** Each treatment room shall:
- (a) be maintained in a clean and structurally sound condition
 - (b) Be adequately illuminated and ventilated
 - (c) Be provided with suitable wash-hand basin or basins with a suitable supply of hot and cold water, together with soap, a nailbrush and either a supply of disposable towels or a clean towel at all times.
 - (d) Suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained.
 - (e) Where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

- 38.** Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Refuse Storage

- 39.** A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises; and all accumulation or collections of such rubbish, dust and refuse, unless immediately removed from the premises or destroyed; shall be placed in such receptacles and kept there until so removed or destroyed; provided that hot ashes, cinders or any other substance which, when in contact with flammable material, are likely to cause smoke or fire shall not be placed in the same receptacle as flammable rubbish or refuse.

Such rubbish, dust and refuse shall be removed regularly from the premises.

The receptacles shall be maintained in a clean and wholesome condition to the satisfaction of the Council and shall be kept in positions approved by the Council

Lighting

- 40.** The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.

- 41.** The general lighting shall be maintained alight and the lighting to “EXIT” or “WAY OUT” notices shall not be in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises artificial light need not be used in that part.

Electrical Installation

- 42.** The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Electrical Certificates

- 43.** Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for Electrical Installations issued by the Institute of Electrical Engineers, for the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

The Council normally requires that any such certificates shall be signed by a Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Lampholders

- 44.** All generally accessible lampholders shall be kept fitted with lamps.

Heating

- 45.** All parts of the premises regularly occupied by public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

- 46.** Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

- 47.** Appliances utilising cylinders or containers of gas under pressure (apart from CO₂ cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: The use of liquid petroleum gas in cylinders is unlikely to be approved.

Guards

- 48.** Any open fireplace and all space heating apparatus of which the surface temperature is liable to exceed 66 degrees Celsius and such other apparatus as the Council may determine, shall be suitable guarded. The guards shall be so constructed and arranged as to enable the apparatus to be cleaned and adjusted.

Gas Installations

- 49.** The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984.

Gas Fired Heating Appliances

- 50.** All piping of the consumer gas installation shall be of rigid hard metal and shall be securely fixed away from electrical wiring and apparatus and shall, where required by the Council be efficiently protected against corrosion.

NOTE:

- (I) Any necessary flexible piping shall be of the reinforced type to resist crushing and withstand the maximum internal pressure to which it may be subjected.
- (II) Attention is drawn to the British Standard Code of Practice 331 Part 3 regarding the installation of gas pipes.
- (III) Gas consuming devices shall be installed to the Council's satisfaction so as to minimise the risk of leakage.

Gas Meter and Electrical Intake Enclosures

- 51.** Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

Ventilation

- 52.** The licensee shall ensure that the premises are adequately ventilated to all areas to which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720: 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

NOTE: Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.

PART III

CONDITIONS APPLYING ONLY WHERE THE COUNCIL SO PRESCRIBES

Escape Lighting

53. (a) Two independent systems of lighting shall be provided to the satisfaction of the Council. The degree of illumination from each system shall be sufficient for illumination of the exit notices (if these are not of the self-luminous type) and to enable the public to see Their way out of the premises at any time.

In all portions of the premises to which the public have access, good normal lighting shall be provided during the whole time that the public are on the premises.

- (b) Where permitted by the Council a non-maintained system of escape lighting may be used (i.e. a system in which the lights are energised only when the normal lighting fails).

NOTE:

The licensee may, with the consent of the Council, provide such additional lighting for decorative or other purposes as they may think fit.

Second Batteries

54. In relation to any storage battery which may be accepted by the Council in connection with escape lighting.

- (a) It shall be fully charged before the first admission of the public on any day:

- (b) The approved "load" connected to the battery shall not be altered unless the consent of the Council is previously obtained:

- (c) A diagram of the connection of the battery and the accepted circuits connected there to shall be exhibited in the battery control room.

- (d) The battery shall be under the regular maintenance of a firm of battery manufacturers or, with the approval of the Council, other persons deemed competent, who shall arrange for a thorough examination at least once in every six months, when the battery shall be discharged by taking its full load for one half its rated discharge period of for one hour (whichever is the less). In addition, any automatic switching devices shall be frequently tested.

- (e) At least once in every six months a properly certified report as to the condition of the battery, including details of the examination and where appropriate, battery tests shall be submitted to the Council..

NOTE:

The battery voltage (measured at the battery terminals with the battery connected to its load) at the end of the discharge test should be stated in the report. Where self-contained battery powered escape lighting units are installed, the certificate shall state that each unit has been energised by its battery for the requisite period.

- 30 (f) In the event of the failure of the normal system of lighting, (I) where the escape lighting has a 1 hour capacity the public required to leave the building within a maximum period of minutes and (II) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

55. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits and sub circuits, the position of the distribution boards and sizes of the cables shall be provided and kept in an accessible position on the premises.

Installation for Unlicensed Portion of Premises

56. In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

Appendix Two

LONDON BOROUGH OF TOWER HAMLETS

SPECIAL TREATMENT LICENSING - PROCEDURES

RULES GOVERNING APPLICATION FOR SPECIAL TREATMENT LICENCES

Interpretation

1. In these Rules:-

“Act” means Part II of the London Local Authorities Act 1991

“Applicant” means an applicant for or the holder of a licence as appropriate.

“Licence” means any special treatment licence which the Council can grant under the Act. This includes any associated consent or permission.

“Licensee” means an applicant for or the holder of a licence as appropriate.

“Objector” means any person who is objecting to an application specified in rule 7 and who has complied with its terms.

“Occupier” means the place for which a licence is sought or for which a licence is in force.

“Premises” means the place for which a licence is sought or for which a licence is in force.

- 14 “Revocation” means a proposal to revoke the licence under Sections 9 and of the Act.

“Council” means the London Borough of Tower Hamlets.

Plans and Specifications

2. An applicant shall submit such plans and specifications of the premises concerned as may be required by the Council within two months of being advised of the Council’s requirements unless an extension of time is granted by the Environmental Health Department.

NOTE: When the licence application forms are submitting to the Council, the Environmental Health Department will arrange for a survey to determine the suitability of the premises concerned with a view to ensuring public safety. Four copies of plans and specifications will subsequently have to be submitted by the applicant for formal approval and record purposes.

Application Forms

3. An application for a licence shall be made on the form provided by the Council and if required shall be advertised in accordance with Nos 4 and 5 of these Rules. If an application has been required to be advertised has not been determined within twelve months of its submission to the Council it shall be readvertised in accordance with rules 4 and 5 unless an extension of time is granted by the Council. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.

Exhibition of a Notice at the Premises

4. On the date on which the application is made the applicant for a new licence shall arrange for a notice or, (if the premises are large or front more than one street), notices of the application to be put up at the premises using the form provided by the Council. The notice(s) must be put up and kept exhibited for not less than 28 days on a part of the premises where it can be easily seen and read by persons in the street or any adjoining public place. With the consent of the Council, the notice(s) may, if necessary, be exhibited near the premises.

The 28 days shall start on the date the application is delivered to the Council or, if posted, on the date shown on the postmark of the envelope addressed to the Council and the notice shall bear this date.

If this rule is not strictly complied with, the Council will require the notice to be re-dated and kept exhibited at the premises for 28 days from this date.

Newspaper Advertisements

5. (a) Within 7 days of the date on which the application is made for a new licence, notice of the application in the form required by the Council shall be published (at the expense of the applicant) in a local newspaper which circulates in the locality in which the premises are situated and which is on sale at local newsagents.

NOTE: A London wide newspaper such as the "The Standard" is NOT regarded as a local newspaper for the purposes of this rule.

(b) Within 14 days of the date on which the application was made the applicant shall send one complete copy of the newspaper containing the advertisement to the Council.

(c) In the event of either or both of the time limits specified in (a) and (b) above not being complied with the last day for lodging objection to the application shall be extended to 21 days from the date of the newspaper advertisement or to the date by which the complete copy of the newspaper has been received by the Council whichever is the later.

This rule shall not apply to an application for a transfer or renewal of a licence unless the Council specifically so requires.

Modification or Waiver of Conditions of Licence or Extension of Licensed Area

6. A licensee applying (whether or not at the same time as an applicant for transfer or renewal) for the modification or waiver of any of the terms, conditions or restrictions of a licence or for an amendment of a licence relating to an extension of a licensed area shall comply, where appropriate, with Nos 2, 4 and 5 of these rules as required by the Council.

Objections

7. A person who wishes to object to:
- I. the grant, transfer or renewal of the licence: or
 - II the modification or waiver of a licence conditions: or
 - III amendment of the licence where this would extend the licensed area
- shall within the time specified in the notice, put up at the premises or contained in the newspaper advertisement, relating to the application write to the Head of Environmental Health (Commercial) giving in detail the

reasons for objection. The Head of Environmental Health (Commercial) shall forward to the applicant a copy of every valid written objection.

8. A late objection will only be accepted by the Council in the most exceptional circumstances.
9. The Council will not accept an objection where it considers that the grounds of objection contains matters which it cannot take into account.
10. An opposed application shall be decided at a hearing where evidence is given orally and in public unless the Policy and Strategy Committee or the Licensing Sub-Committee decide otherwise.
11. At any public oral hearing in of an application, an objector shall not be allowed to raise any matter not referred to in the written objection.
12. At any public oral hearing in of an application the applicant and the objector shall attend in person or, if the application or objection is made by a body corporate, business firm, society, associated or other group, a duly authorised representative shall be present.
13. If any person who has written to the Head of Environmental Health (Commercial) objecting to the granting of a licence fails to attend the public oral hearing, the licensing Sub-Committee will hear and consider any evidence and arguments put forward by or on behalf of the applicant in relation to the written objection received, the Sub-Committee will take into account in considering the importance to be attached to the objection that the objector was not available to be questioned about his statements.

Procedure At And After Oral Hearing In Public

14. A report will be put before the Sub-Committee, prepared by the relevant officer of the Council, outlining important aspects of the application. In addition the Applicant will provide a detailed plan of the premises and , where appropriate, an Ordnance survey sheet indicating other premises within a suitable radius which are licensed whether for special treatments or for public entertainment or as night cafes.
15. At the start of the Hearing the Chairman will introduce himself and the other members of the Sub-Committee.
16. He will then invite the relevant officer of the Council to introduce the report. This officer will outline impartially the matter before the Sub-Committee (eg the application, revocation proposed etc) give any relevant background information and call any necessary officer to give factual information (eg as to the technical arrangements of the premises). These officers can be cross-examined by any of the parties present or questioned by members of the

Sub-Committee on matters relating to their professional expertise and are subject to re-examination by the relevant officer of the Council.

NOTE: See Rule 17(v) for an explanation of these terms.

- 17.** The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the appropriate officer and he will then outline the procedure that will be followed for the remainder of the hearing.

(I) The objectors present their cases before the applicant presents his.

N.B In appropriate cases the Sub-Committee may during or at the end of the objectors case wish to establish whether the objectors are opposed to the application in its entirety or, for example are objecting to the lateness of the hours sought and not to the grant of the licence itself.

(II) Subject to Rule 18 below, when all objectors have been heard, the applicant may present his case.

(III) Each party (or his representative) is entitled to address the Sub-Committee as of right on only one occasion - either before calling his evidence or immediately after he and/or his witnesses have completed their evidence.

(IV) Each person giving evidence may be cross-examined by the opposing party or parties and by members of the Sub-Committee.

NOTE 1 Where the applicant or objector appears without representation and wishes to address the Sub-Committee the Chairman should ask him whether he is prepared to submit to cross examination. (Less importance will be attached to a statement that is not subjected to cross examination).

NOTE 2 Objectors to an application may not question each other but an objector may question his or her witness(es).

(V) When a person is called to give evidence:-

(a) He is first asked to state his full name and address:

(b) He is questioned by the person calling him (Examination in Chief).

(c) He may be questioned by the other party or parties or their representative (cross - examination).

(d) Throughout the presentation of the respective cases for the Objector and the Applicant questions may not be put by Members of the Sub-Committee. Such questions will normally be put immediately following cross-examination. (Following the questions by Members of the Sub-Committee they may have to consider whether a further opportunity for cross-examination should be afforded to the other party or parties on “new” evidence introduced as a result of the replies to Members’ questions).

(e) He may be questioned further by the person who called him. These questions must be limited to matters which have already arisen in previous examination or Members’ question. (Re-examination). No new matters may be raised at this stage.

(IV) Unless the Sub-Committee rules otherwise, or one of the parties objects, all witnesses may be present in the Licensing room throughout the hearing. Once they have given evidence they shall remain in the room until either the hearing is closed or they are released by the Chairman.

18. The Councillor for the Ward in which the premises of either the applicant or the objector(s) are situated may address the Sub-Committee or may submit written representations in respect of the application regardless of whether or not he/she is an objector or is being called by any party.

NOTE: (I) Before a Ward Councillor addresses the Sub-Committee he must first make a declaration that he has not previously discussed the application with the Members of the Sub-Committee and will take no part in the determination of the application.

(II) If representation is given by way of written submission the Chairman will indicate that the Sub-Committee will take into account the fact that the submission of the Ward Councillor cannot be tested by cross-examination.

Documents

19. Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:-

(a) The Chairman shall establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submission.

(b) If the other parties have not previously seen the document the Chairman will request that it be first passed to them (or to their

representative) so they can decide whether they object to it being submitted to the Sub-Committee and if so the grounds of their objection.

N.B For this purpose it may be necessary to allow time for study of the document.

(c) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Sub-Committee. The Legal Advisor to the Sub-Committee may also give advice before the Sub-Committee decide whether to allow the document to be submitted.

N.B. In some cases it may be necessary for them to see the document before making a decision.

- 20.** If there has been no objection to the submission of a document or if the Sub-Committee has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chairman, (if the Sub-Committee have ruled that it should be admitted) will indicate that the weight of evidence (importance) account the fact that the signatory of the letter or the maker of the statement is not present to be cross-examined.

NOTE: At least 6 copies should be provided of any document which is to be submitted to the Sub-Committee.

Decision

- 21.** At the end of the hearing the Chairman will announce that the hearing is adjourned to enable the Sub-Committee to deliberate in private and will return as soon as possible to announce their decision. The Sub-Committee will normally be accompanied by the relevant officers of the Council but the decision shall be arrived at by Members of the Sub-Committee only. Sometimes the Sub-Committee will go to a private room or they may ask the parties concerned and the public to leave.
- 22.** The Sub-Committee may decide to grant the application in whole or in part, to refuse the application, or to make a revocation and may attach any additional conditions, if granting a licence, they consider appropriate.

Notification of Decision

- 23.** The Chairman will normally announce the Sub-Committee's decision at the end of the hearing. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

Waiver of Rules

- 24.** In any particular case, any of these rules may be waived, altered or modified by the Committee, Sub-Committee or their Chairman or in the case of Rules 2, 3, 4, 5, 6, 7, 8 and 9 by a duly authorised officer of the Council.

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TO **Licensing and Safety Team**

FROM **Natalie Thompson**

REFERENCE: MA 103646

BEING DEALT WITH BY: Charlotte Basten

DATE **30th October 2017**

Re: Relax Studio, 1 Gunthorpe Street, London. E1 7RG

Reference is made to the new application for the Special Treatment License for the above premises.

The application is for the use of the premises for massage.

An objection is made against this application for the following reasons;

- The Licensing and Safety Team has evidence of the premises being improperly conducted. *London Local Authorities Act 1991, Section 8 (e)*. Evidence of this is attached in the form of witness statements of two test purchasers that were offered services of a sexual nature whilst having a massage at the premises. See appendix **NAT1** for a copy of the witness statements. These witness statements are for members, yourself and the applicant and not to be published on the website.
- The council notified the Independent Professional Therapists International (IPTI) of the test purchase visits. The IPTI the revoked the therapist- Chak Wa Yiu's membership with them. Please see **NAT2** for a copy of the revocation letter.
- The licensing and safety team has evidence that the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence. *London Local Authorities Act 1991, Section 8(c)* Evidence for this includes- visits to the premises have revealed that the applicant continues to advertise and offer special treatments without a licence. The applicant has been informed that this is an offence on several occasions but continues to trade.
- Further evidence of the applicant not being a fit and proper person includes the fact that the applicant was first informed on the 20th April 2016 that he must not operate the business outside of the hours 08:00 to 20:00. He has continued to operate outside of the permitted hours.
- The council has received several complaints about the premises from a member of the public. Please see the attached list detailing the complaints.
- One of the complaints included a discussion board on the fbasm website (full body sensual massage. This discussion includes many references of a sexual nature. The name 'Apple' is mentioned. This name was given as a manager's name on the visit to the premises on the 20th September 2017.

Natalie Thompson
Principal Environmental Health Officer

Complaint details
See appendix NAT3 for emails in chronological order

Date	Complainant	Nature of Complaint
30/03/2016	Member of The Public	Allegation that massage premises is open outside of hours permitted by planning permission- at 20:27 30.03.2017.
01/07/2016	Member of The Public	Email including an allegedly illegally placed A board and a handwritten sign on the A board allegedly saying in Cantonese <i>Bold Black Chinese: Go to hell, I will check CCTV (to find out who). Then I will have a gangster kill all your family.</i> <i>Blue Chinese: Mother F**ker, you are always messing with my message board. (If i don't get back at you), I am not my mother's son.</i>
30/05/2017	Member of the public	Email notification that premises was operating without a licence.
14/09/2017	Member of the public	Email notification regarding a discussion about the premises on the website FBSM (full body sensual massage) see NAT4. Note the name 'Apple' is used on the post from the 2th April 2016 and also during the visit dated 20.09.2017. (NAT8)
15/09/2017	Member of the public	Email notification that premises was operating without a licence at 21:24 on 14/09/2017
20/09/2017	Member of the public	Email allegation and photograph that massage is being advertised without a licence.
26/09/2017	Member of the public	Email including a photograph showing the premises open at 20:15 on the 25/9/2017
26/09/2017	Member of the public	Email including a photograph showing the premises open at 20:43
28/09/2017	Member of the public	Email including a photograph showing the premises open at 20:22
7/10/2017	Member of the public	Email including 2 photographs showing the premises advertising special treatments without a licence.
8/10/2017	Member of the public	Email including a photograph showing the premises advertising special treatments without a licence
8/10/2017	Member of the public	Email including a photograph showing the premises open at 20:15 and a male walking in.
10/10/2017	Member of the public	Email including a photograph showing the premises open at 17:25 and male customer walking in.
10/10/2017	Member of the public	Email including a photograph showing the premises with an open sign at 21:00. However lights in the reception area are switched off.

11/10/2017	Member of the public	Email notification that the premises was still advertising special treatments online at the web address https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626
11/10/2017	Member of the public	Email including a photograph showing the premises open and open sign in door at 20:30
12/10/2017	Member of the public	Email including a photograph showing the premises open and open sign in door at 21:17.
15/10/2017	Member of the public	Email including a photograph showing the premises open and open sign in door at 21:01
16/10/2017	Member of the public	Email including a photograph showing the premises open and open sign in door at 20:43
17/10/2017	Member of the public	Email with picture of a price list on the front desk of the premises.
21/10/2017	Member of the public	Email including a photograph showing the premises displaying a foot reflexology poster. This could be construed as advertising without a licence.
21/10/2017	Member of the public	Email including screenshot of advertisement on gumtree for massage at the premises at the following web address https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626 The premises is advertising without a special treatment licence.
22/10/2017	Member of the Public	Email including a photograph of Ms Chak Wa Yiu touching the shoulders of a male outside of the premises.
22/10/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:33.
25/10/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:33.
25/10/2017	Member of the public	Email including a photograph of the premises with lights on and door open at 20:54.
26/10/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:36.
29/10/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:49.
01/11/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:30.
2/11/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:32.
5/11/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 21:05.
8/11/2017	Member of the public	Email detailing online advert for the premises at the web address posted 4/11/2017 https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626
9/11/2017	Member of the public	Email including a photograph of the premises with lights on and open sign in door at 20:38

Details of visits and related correspondence

Visits have been undertaken at the premises by council officers which have revealed that special treatments were being advertised without a special treatment licence.

Correspondence shows that the applicant, Mr Mr Wai Ming Yau was involved with the premises since at least 20th April 2016.

Date	Authority	Details
20/04/2016	Planning	Email correspondence to Mr Wai Ming Yau detailing planning requirements. Email from planning to landlord of premises and from landlord to Mr Wai Ming Yau at email address [REDACTED]. See appendix NAT5
15/08/2017	Licensing and Safety	Visit to premises to check therapist working at premises was still Chak Wa Yiu following receipt of witness statements from test purchase visits. See appendix NAT6 for a copy of report left on site at time of visit.
08/09/2017	Licensing and Safety	Email correspondence with Mr Wai Ming Yau informing him that the premises Relax Studio, Unit 2, 1 Gunthorpe Street, London, E1 7RG would not be considered for exemption from the special treatment licensing regime. See appendix NAT7
20/09/2017	Licensing and Safety	Visit to premises to check compliance with London Local Authorities Act 1991 as premises no longer exempt from licencing regime and has no licence in place. There were special treatments being advertised in the shop window and on the reception counter on the price list. The treatment rooms were unoccupied but they were set up for possible treatments and baby oil was in the room. The Officer informed the receptionist that no special treatments must take place as no licence was in place and she removed the price list. The officer left a record of contact form on site and the receptionist signed and stated that she would give it to the manager. See appendix NAT8
21/09/2017	Licensing and Safety	Email conformation of visit on 20.09.2017 sent to [REDACTED]. see appendix NAT9
09/10/2017	Licensing and Safety and Police	Joint visit between Environmental Health and police officers to check licensing non conformities. Ms Chak Wa Yiu was at the premises. The premises was advertising massage and reflexology. Posters up in window advertising massage and price list at front of premises with massage in price list. See appendix NAT10 for a copy of the on site report.

List of Appendices

NAT1 = Witness statements following test purchases. These statements are sensitive and not for publication on the council website.

NAT2 = Cancellation of membership with the IPTI for therapist Ms Chak Wa Yiu.

NAT3 = email complaints in chronological order

NAT4 = discussion sent in by complainant from the website FBSM (full body sensual massage) from April 2016 to June 2017

NAT5= email correspondence between planning and Mr Wai Ming Yau dated 20/04/2016

NAT6= copy of report left on site 15.08.2017

NAT7 = email correspondence with Mr Wai Ming Yau 08.09.2017

NAT8 = copy of report left on site 20.09.2017

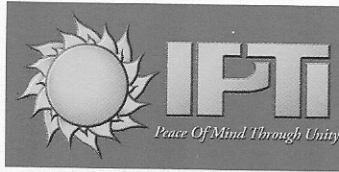
NAT9 = email sent 21.09.2017

NAT10 = on site report from visit dated 9.10.2017

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Independent Professional Therapists International

[Redacted]

Ms C Yiu

[Redacted]

30 August 2017

Cancellation of IPTI Membership

Dear Ms Yiu

I wrote to you on the 16th and 22nd of August regarding the incidents reported to me by Tower Hamlets Council and I have not received a satisfactory response from you which could disprove your involvement.

I am therefore writing to inform you that your IPTI membership has been cancelled as of today 30 August 2017.

Could you please either return your IPTI membership certificate to our office or destroy it.

I am disappointed to have to take this action but it is a requirement of IPTI membership to adhere to our Code of Ethics and maintain the highest level of integrity and professional conduct.

Yours sincerely

[Redacted]

Martyn Farrington
IPTI

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Sent: 01 April 2016 10:08
To: Environmental Health; Planning Enforcement
Subject: FW: Massage Premises, 1 Gunthorpe St, E1 7RG - Illegal Trading Hours

-----Original Message-----

From: DARON PIKE [REDACTED]
Sent: 30 March 2016 21:25
To: Trading Standards
Cc: [REDACTED]
Subject: Massage Premises, 1 Gunthorpe St, E1 7RG - Illegal Trading Hours

Hello Trading Standards,

I write on behalf of the St George's Residence (RTM) Company Ltd.

Please find evidence of trading activity in breach of permission by the business located at:

Unit 2
Nagpal House
1 Gunthorpe Street
London
E1 7RG

The massage business is open for customers at 20:27 this evening 30/3/2016.

The original planning permission states that these commercial units not be open for business at such hours.

Please investigate at your earliest opportunity as this is a new business and should be acted upon soonest.

Thank you for your help.

Daron Pike
[REDACTED]

From: DARON PIKE [mailto: [REDACTED]]
Sent: 04 July 2016 14:56
To: [REDACTED]
Subject: Fwd: Massage Place - Threatening Behaviour

Hi Jon, Tarik,

I'm on a course today and not at desk but this is the most alarming incident below.

Thanks and regards,

Daron Pike

Begin forwarded message:

From: Daron Pike [REDACTED]
Date: July 1, 2016 at 9:26:00 AM GMT+1
To: James McDermott [REDACTED]
Cc: [REDACTED], Craig Hutchinson
[REDACTED], Streetmarkets
[REDACTED]
>
Subject: Massage Place - Threatening Behaviour
Reply-To: Daron Pike [REDACTED]

Dear James,

I'm very concerned.

Please see the attached photo of the massage place's illegally placed A board. There is a handwritten note in Cantonese, it translates as follows:

Bold Black Chinese: *Go to hell, I will check CCTV (to find out who). Then I will have a gangster kill all your family.*

Blue Chinese: *Mother F**ker, you are always messing with my message board. (if i don't get back at you), I am not my mother's son.*

I have written to you many times and proved with photographs the illegal activity of this business. Since the first day of opening some months ago the proprietor has willfully disregarded the law despite your reminding him and his assurances to the contrary.

As a resident of this street where the council has law in place to protect the neighbourhood I feel very unsafe,



Natalie Thompson

From: David Tolley
Sent: 15 September 2017 09:47
To: Natalie Thompson; Tom Lewis
Subject: FW: Letters from Mayor's Office - 'The Relax Studio'


Follow Up Flag: Follow up
Flag Status: Flagged

Natalie – can we have a look at this one please and take formal action if needed.

May be worth updating the complainants when we have visited.

Dave

David Tolley

From: Daron Pike [mailto:
Sent: 15 September 2017 03:53
To: David Tolley
Cc: Craig Hutchinson
Subject: RE: Letters from Mayor's Office - 'The Relax Studio'

Dear David,

Thank you for the detail of the council's action and legal position relating to the massage.

From what I've learned since the massage place opened in May 2016 it's clear that the system/law as it is facilitates such businesses to trade as long as it has. I'm pleased that TH has come to this point and that what can be done is now being done.

It's very disappointing that the freeholder Councillor Bobby Nagpal of Buckhurst Hill, expert in planning and Vice Chairman of the Planning Committee has permitted such a business to operate in the building that bears his name. In my opinion a matter of profit over integrity and the spirit of public duty. As residents of the street and our day to day lives victim of this greed; we will pursue this poor conduct through formal channels and to the highest level.

Please find attached a photo of yesterday 14/9/2017 at 21:24BST, the massage place is open for business in contravention of its permissions. (Clock visible 21:28).

Regards,

However, if they operate purely as a sexual encounter establishment, then the local authority has little power to deal with this and would have to work through the Police to resolve the situation.

Thank you for bringing this matter to my attention.

Regards

David Tolley
Head of Environmental Health and Trading Standards
Tower Hamlets

From: Daron Pike [mailto: [REDACTED]]
Sent: 14 September 2017 09:30
To: David Tolley
Cc: [REDACTED]
Subject: Letters from Mayor's Office - 'The Relax Studio'

Dear David,

We, myself and Craig Hutchinson (cc), are in receipt of your response to our time with Mayor Biggs at his surgery some months ago.

Please be aware of a significant escalation in the situation with the massage parlour in the building 'Nagpal House'.

I have recently discovered a website FBSM.co.uk (Full Body Sensual Massage) which is intended for members only. The attached document is the copy from the discussion forum regarding The Relax Studio at Nagpal House. I have of course immediately reported to the Metropolitan Police (CAD 4075 10/09/2017).

I am concerned that Asian and other women are being exploited and are at risk.

I am concerned that illegal businesses of this nature cause disturbance and harm to the living environment for residents.

I very much hope for the coordinated efforts of Tower Hamlets and the Metropolitan Police.

Regards,

Daron Pike
[REDACTED]

From: [REDACTED]
Sent: 14 September 2017 09:17
To: Daron Pike
Subject: Letters from Mayor's Office

Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 20 September 2017 14:12
To: Natalie Thompson
Subject: FW: Massage Place - Nagpal House
Attachments: IMG_1601.JPG; ATT00001.txt; IMG_1600.JPG; ATT00002.txt

Hello Natalie,

Here's one I sent to David this morning.

Regards,

Daron

From: [Daron Pike](#)
Sent: 20 September 2017 08:11
To: [REDACTED]
Cc: [REDACTED]
Subject: Massage Place - Nagpal House

Hello David,

Please see the adverts on the window of the building offering massage services.

Regards,

Daron Pike





Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 26 September 2017 20:46
To: Natalie Thompson; Planning & Building LBTH; David Tolley
Cc: [REDACTED]
Subject: Brothel - Nagpal House E1 7RG
Attachments: IMG_1645.JPG; ATT00001.txt

Hello,

Please see photo of brothel open at 20:15 25/9/2017

Regards,

Daron Pike



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 26 September 2017 20:47
To: Natalie Thompson; Planning & Building LBTH; David Tolley;
[REDACTED]
Cc:
Subject: Brothel - Nagpal House E1 7RG
Attachments: IMG_1656.JPG; ATT00001.txt

Hello,

Please see photo of brothel open at 20:43 26/9/2017

Regards,

Daron Pike



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 28 September 2017 20:43
To: Planning & Building LBTH; Natalie Thompson; David Tolley
Cc: [REDACTED]
Subject: Brothel - Nagpal House E1 7RG
Attachments: IMG_1684.JPG; ATT00001.txt

Hello All,

Massage / brothel open tonight at 20:22.

Regards,

Daron Pike



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 07 October 2017 08:21
To: Natalie Thompson
Subject: Fwd: TH ref: 1-118882093, E1 7RG Nagpal House

Hello Natalie,

Sorry, think I should have included you on this one.

Regards,

Daron

Begin forwarded message:

From: "Daron Pike" [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Please see the prohibited business advertising message services in breach of authorization.

Daron Pike
[REDACTED]



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 07 October 2017 11:50
To: Natalie Thompson
Cc: Planning & Building LBTH; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House
Attachments: IMG_1791.JPG; ATT00001.txt

Please see massage/brothel open and displaying sign offering massage today 11:50 7/10/2017

Regards,

Daron Pike



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 08 October 2017 12:56
To: Planning & Building LBTH; Natalie Thompson
Cc: [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Massage / brothel open today advertising massage services in breach of permissions.

Regards,

Daron Pike



Natalie Thompson

From: Daron Pike - [REDACTED]
Sent: 08 October 2017 20:19
To: Planning & Building LBTH: Natalie Thompson
Cc: David Tolley; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Massage / brothel open at 20:15 tonight in breach of permissions.
Photos showing make client walking in at this time.

Regards,

Daron Pike



Natalie Thompson

From: Daron Pike <[REDACTED]>
Sent: 10 October 2017 17:32
To: Planning & Building LBTH
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

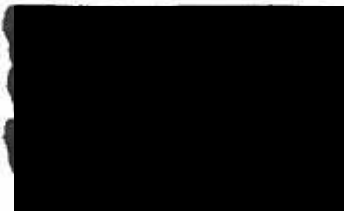
Hello,

Massage / brothel open and make customer entering at 17:25 today.

Please see in photograph on desk in premises a price list of (presumably - you may have inspected it) of massage services.

Regards,

Daron Pike





Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 10 October 2017 21:23
To: Planning & Building LBTH
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Massage / brothel open with 'open' sign on door and lights on at 21:00 tonight in breach of permissions.

Regards,

Daron Pike

[REDACTED]



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 11 October 2017 16:59
To: Natalie Thompson
Cc: [REDACTED]
Subject: Gumtree advert for Massage Services - Nagpal House E1 7RG

Hello Natalie,

Just to let you know that the massage/brothel is still advertising massage services.

This advertisement on Gumtree was posted 2 days ago.

<https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626>

Regards,

Daron Pike
[REDACTED]

Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 11 October 2017 20:34
To: Planning & Building LBTH
Cc: Natalie Thompson, [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

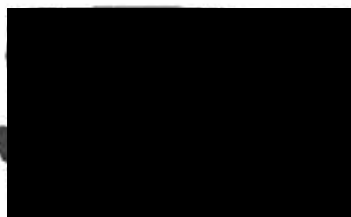
Hello TH,

Massage / brothel open at 20:30 tonight in breach of permissions.

Blinds are both down trying to hide activity, two females are in the premises. Sign on door reads 'open'.

Regards,

Daron Pike





Natalie Thompson

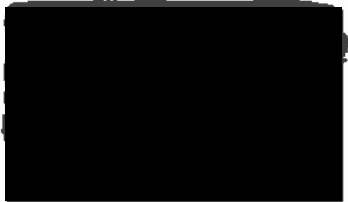
From: Daron Pike [REDACTED]
Sent: 12 October 2017 21:22
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Massage / brothel open at 21:17 tonight in breach of permissions.

Please see screenshot time.

Regards,

Daron Pike





London - Spitalfields

Today 9:17 PM

[Detail](#)



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 15 October 2017 21:05
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 21:01 (time stamped) tonight in breach of permissions.

Regards,

Daron Pike
[REDACTED]



Today
9:01 PM

Detail



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 16 October 2017 20:53
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:43 tonight (timestamped) in breach of permissions.

Still open now 20:52.

Regards,

Daron Pike

[REDACTED]



London - Spitalfields

Today 8:43 PM

[Detail](#)



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 17 October 2017 17:35
To: Planning Enforcement
Cc: Natalie Thompson
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

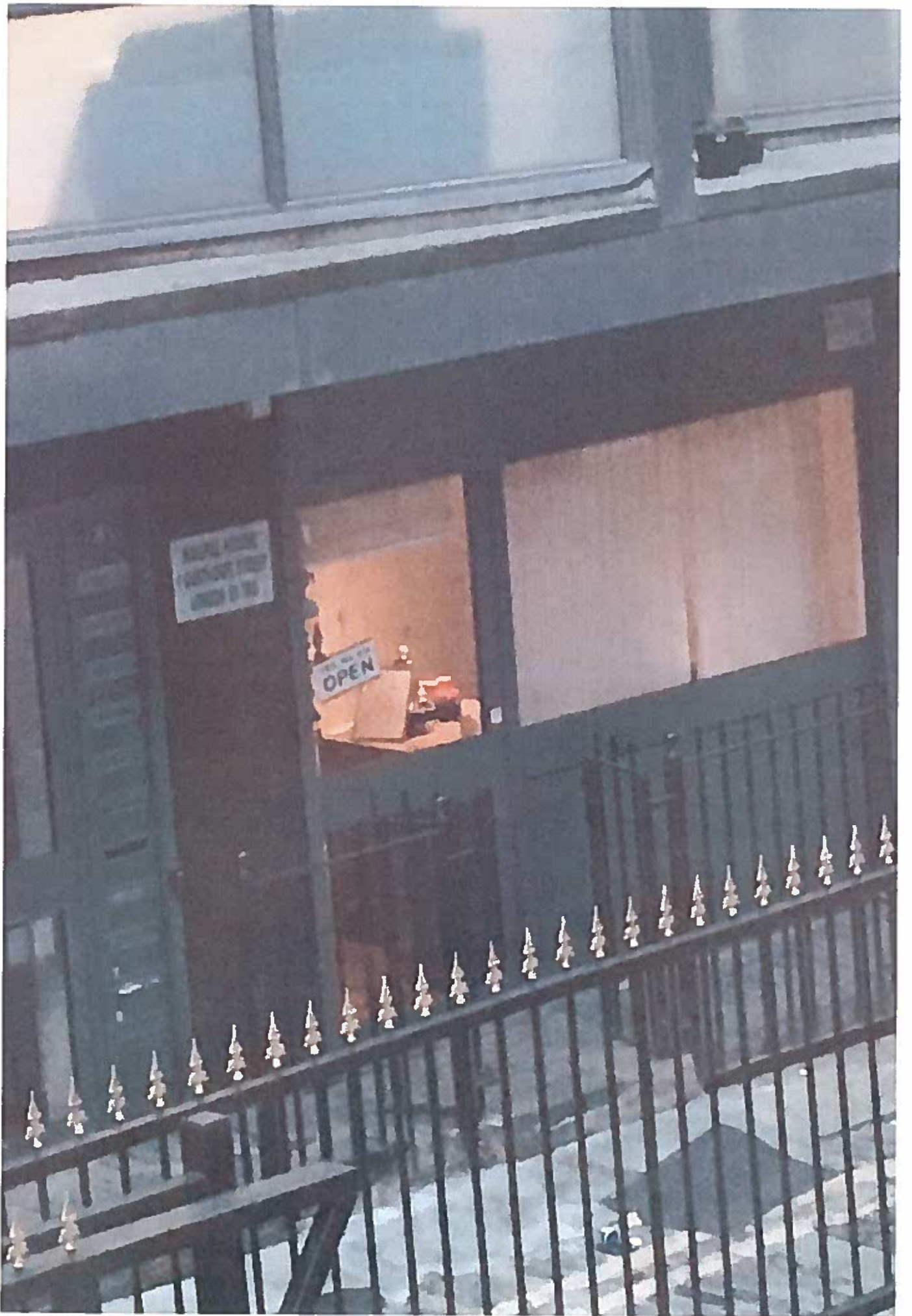
Dear TH,

Massage / brothel today with (suspected) massage service pice list on desk in breach of permissions.

Regards,

Daron Pike





Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 21 October 2017 14:30
To: Planning Enforcement
Cc: Natalie Thompson, [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH

Massage / brothel open and displaying poster related to foot
massage in breach of permissions.

Regards,

Daron Pike

[REDACTED]





Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 21 October 2017 14:42
To: Planning Enforcement
Cc: Natalie Thompson, [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH

Please see link and screen shot of massage advert for brothel in Nagpal House. Also link timestamped advert posted '20 hours ago'. In breach of permissions.

Regards,

Daron Pike

[REDACTED]

<https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626>



1 of 1



relax studio

Posting for 8+ years

See all ads

Contact details

Email

Call

SMS

Favourite

Report

Posted

20 hours ago

Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 22 October 2017 18:59
To: Planning Enforcement
Cc: Natalie Thompson
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel lady touting for massage clients, overheard offering massage and massaging potential clients in breach of permissions.

Regards,

Daron Pike
[REDACTED]





Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 22 October 2017 20:36
To: Planning Enforcement
Cc: Natalie Thompson [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH

Massage / brothel open at 20:33 (timestamped) tonight in breach of permissions.

Regards,

Daron Pike

[REDACTED]



Natalie Thompson

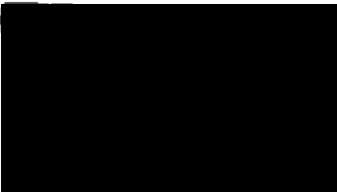
From: Daron Pike ([REDACTED])
Sent: 25 October 2017 20:36
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:33 tonight in breach of permissions.
People visible inside.

Regards,

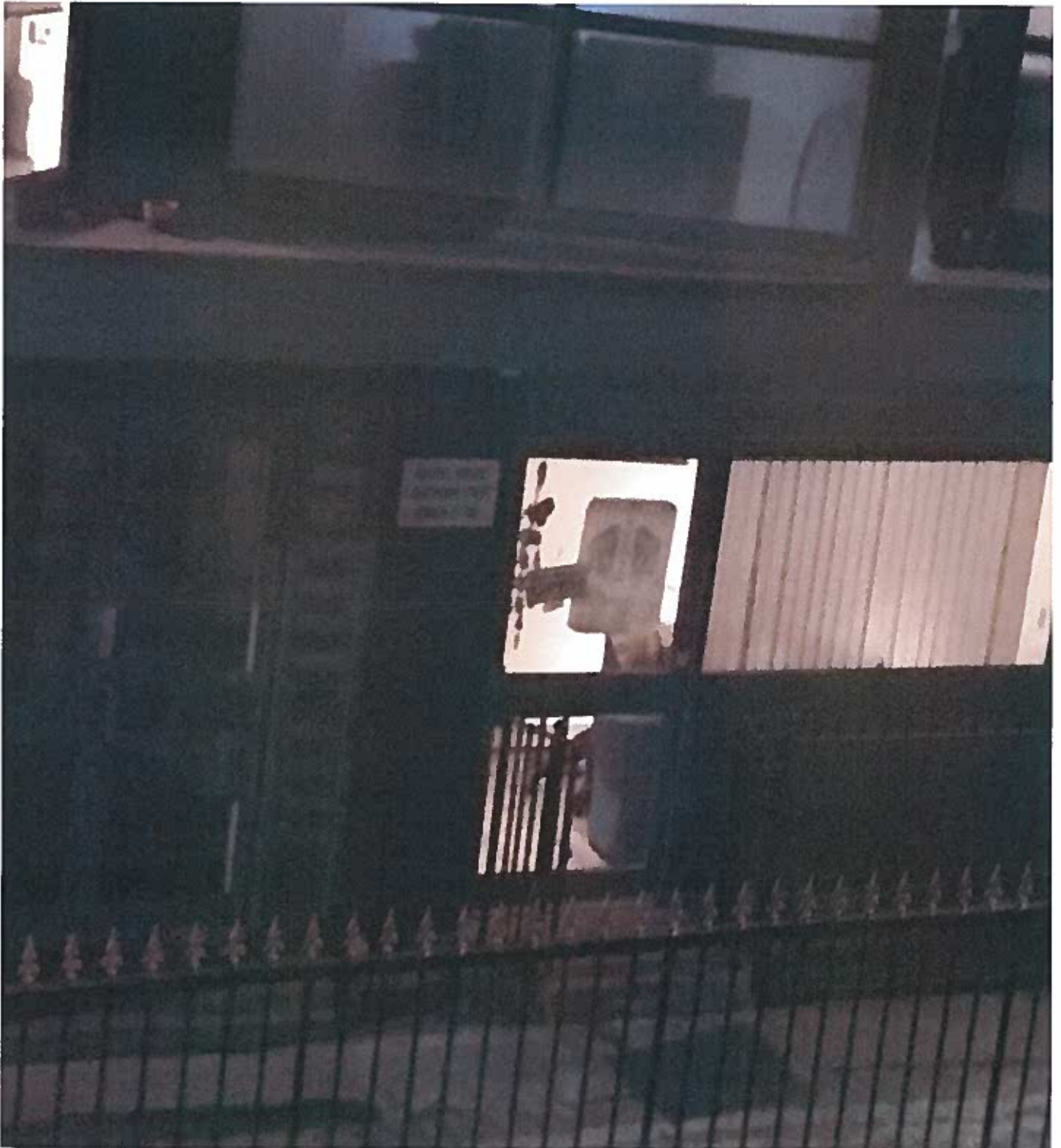
Daron Pike





Today
8:33 PM

[Detail](#)



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 25 October 2017 22:02
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882095, 21 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:54 tonight in breach of permissions.
Door is open.

Regards,

Daron Pike

[REDACTED]



London - Spitalfields

Today 8:54 PM

[Detail](#)



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 26 October 2017 22:24
To: Planning Enforcement
Cc: Natalie Thompson
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:36 timestamped tonight in breach of permissions.

Regards,

Daron Pike
[REDACTED]



Natalie Thompson

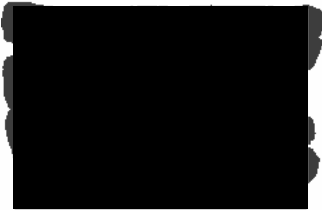
From: Daron Pike [REDACTED]
Sent: 29 October 2017 20:52
To: Planning Enforcement
Cc: Natalie Thompson [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:49 tonight in breach of permissions.

Regards,

Daron Pike





London - Spitalfields

Today 8:48 PM

[Detail](#)



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 01 November 2017 20:34
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:30 (timestamped) tonight in breach of permissions.

Regards,

[REDACTED] ron Pike
[REDACTED]



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 02 November 2017 20:35
To: Planning Enforcement
Cc: Natalie Thompson
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH

Massage / brothel open at 20:32 tonight in breach of permissions.

Regards,

Daron Pike





Today
8:32 PM

[Detail](#)



Natalie Thompson

From: Daron Pike [REDACTED]
Sent: 05 November 2017 21:43
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Begin forwarded message:

From: [REDACTED]
Date: November 5, 2017 at 9:10:00 PM GMT
To: [REDACTED]
Subject: Licensing breach

Dear Daron,
The massage parlour at 1 Gunthorpe St is still open today well past 8pm. I took this photograph a few minutes ago.
Would you be able to pass this on?
Many thanks.
[REDACTED]



Edit



Natalie Thompson

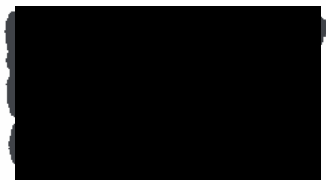
From: [REDACTED]
Sent: 08 November 2017 18:56
To: Planning Enforcement
Cc: Natalie Thompson; [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

<https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626>

Massage advert placed 4 Days ago in breach of permissions.

Regards,

Daron Pike



Aldgate east oriental full body oil massage

Whitechapel, London



1 of 1



Contact details

[Email](#)[Call](#)[SMS](#)[Favourite](#)[Report](#)

Posted

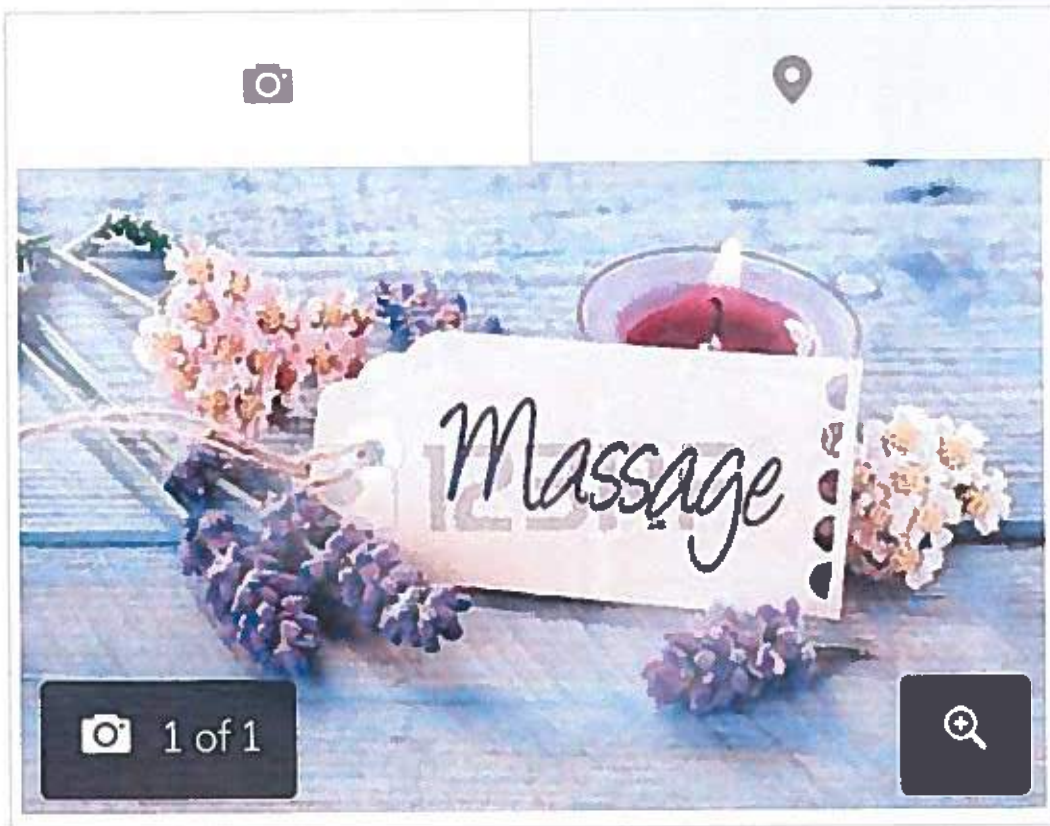
4 days ago

Description

we offer full body oil massage with fully qualify therapy , all the therapies are young and experienc .from far east ,we offer deep tissue massage , relax massage ,sports massage ,thai massageect, all room have shower and fresh towel. after you will feel like new again at work, pls make appointment

Aldgate east oriental full body oil massage

Whitechapel, London




relax studio

Posting for 8+ years

[See all ads](#)

Contact details

 Email

 Call

SMS

Natalie Thompson

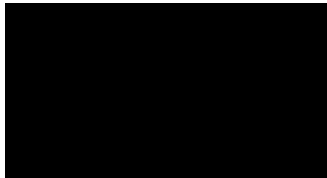
From: Daron Pike [REDACTED]
Sent: 09 November 2017 20:43
To: Planning Enforcement
Cc: Natalie Thompson [REDACTED]
Subject: TH ref: 1-118882093, E1 7RG Nagpal House

Hello TH,

Massage / brothel open at 20:38 tonight in breach of permissions.

Regards,

Daron Pike





London - Spitalfields

Ed

Today 8:38 PM



This page is intentionally left blank


Welcome to fbsm.co.uk The Hon Body Sensual Massage

The Full Body Sensual Massage Forum > FBSM Boards > FBSM Shops > The Relax Studio - 1 Gunthorpe Street, London, E1 7RG

« previous next »


Pages: [1] 2

ReplyNotifyMark unreadSend this topicPrint




The Relax Studio - 1 Gunthorpe Street, London, E1 7RG

« on: April 04, 2016, 07:09:16 PM »

 Quote

Total Thanks Received by Member 27 Posts: 181

Whilst visiting Relaxation Oasis in Shepherds Bush Road, the Apple told me they have opened a new shop here in Aldgate East.
The website actually takes you to the Shepherds Bush website but I'm told that will change soon.




I think they've only been open for a week or so and I haven't been there yet. may give it a try on my next visit to the east.

Google maps show it to be down an alley between KFC and Burgerking on Whitechapel High Street.

Thread title updated: EC

Web: www.Eastlondonmassage.co.uk


« Last Edit: November 29, 2016, 12:06:27 PM »

Report to moderator  Logged

Total Thanks Received by Member 115 Posts: 1052

Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG

« Reply #1 on: April 04, 2016, 08:40:48 PM »

 Quote

Nice to see that Apple is doing well for herself, I can remember the days when she used to work out of Archer Street and was famous for her back walking massage, and the size of her boobs!

Report to moderator  Logged



Full Member
[Progress Bar]



Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG
« Reply #2 on: April 05, 2016, 05:48:26 PM »

Quote

Total Thanks Received by Member 8 Posts: 35

So noticed this post and was in the area, so thought id check them out!

Only had time for 30mins, paid 30 for 'back neck and shoulders only' otherwise its 35/55 for 30mins/1hr.



Premises are good, gunthorpe street is almost an alleyway, its off whitechapel highstreet as described above. its small but discrete, think there are two or three rooms. Mine had a shower so i assume they all do. Its brand new, so everything is clean and fresh.

Was allocated Emma, but could have been 'Ma' not too sure, her english wasn't the best, but good enough - pretty average looks wise tbh, she did seem a little bonkers, but that could just be me not understanding half of what she said!

Asked for a hard massage and she definitely delivered, she really worked on my shoulders as i had so many knots to get out! On the sensual side she asked if i wanted massage 'there' and that i would tip her, said yes to both, she carried on with some cc swipes whilst on my back, then the flip and a well delivered HR.

So i was pretty impressed, think i went slightly overtime too, but not sure.

So would go back, particularly whilst its new and they are no doubt trying to attract customers!

Report to moderator Logged

Full Member
[Progress Bar]



Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG
« Reply #3 on: April 08, 2016, 07:35:15 PM »

Quote

Total Thanks Received by Member 13 Posts: 69

One note about this location, it's opposite the Jack the Ripper pub which can get busy with drinkers over spilling outside forming crowds along with the usual sight of smokers having a drag or two. It's also on the route of some walking tours so if you are bothered about discretion, consider what hour you pay this shop a visit.



Report to moderator Logged

Full Member
[Progress Bar]



Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG
« Reply #4 on: April 10, 2016, 11:42:22 AM »

Quote

Total Thanks Received by

Quote from: Admin on April 04, 2016, 08:40:48 PM

Nice to see that Apple is doing well for herself, I can remember the

Member 9
Posts: 93

days when she used to work out of Archer Street and was famous for her back walking massage, and the size of her boobs!.



Sounds interesting! Where does Apple work now?

Report to moderator Logged

Member
○○○○

Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG
« Reply #5 on: April 10, 2016, 11:58:53 AM »

Quote

Total Thanks
Received by
Member 321
Posts: 5581

The location is in this thread.



Report to moderator Logged

Full Member
○○○○

Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG
« Reply #6 on: August 04, 2016, 07:13:41 PM »

Quote

Total Thanks
Received by
Member 6
Posts: 70

Popped in on a whim (who can resist a sign saying "Massage in alley"?). Got Linda, cute in a girl-next-door way. Asked for a harder massage as I had some actual back problems, and she delivered in spades - using her knee and all of her weight really got the knots out. After about ten minutes of that she lay full-length on me and whispered in my ear "anything more?"... bit hard to resist a question asked that way... B2B was £50, negotiated down from £60 - a little bit steeper than my favourites but seems to be the new standard.



She carried on with the legit massage for a while longer, then the B2B was enthusiastic and fun, although with a few limits on where I could touch. The actual HE was a little mechanical but I got plenty of time to appreciate her pretty damn near perfect body. Then afterwards I got a really nicely-done head and foot massage to finish out the hour and, in a nice touch, still got to take a shower after the hour was up.

All in all worth the slightly higher price (especially as I tend to tip an extra tenner for good service, and she'd have certainly qualified for that) and worth a return. Linda only works there Mondays and Sundays but mentioned she works in another shop other days, possibly the other site mentioned?

Echoing the discretion part though, even if it is in a quiet alley there was a tour party walking past as I came out, which made a quick/casual getaway a little difficult.


Full Member


 **Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG**
« Reply #7 on: October 21, 2016, 04:43:32 PM »

 Quote

Total Thanks
Received by
Member 8
Posts: 39

I've been here a few times because it's sort of convenient yet far enough away from where I work and travel. I do question why I keep going back as these places never represent good value...that comment is not just aimed at this place but other Chinese massage shops in general




I guess to answer my own question I must get an adrenalin rush or something...that or Little Gaz makes the decisions for the team

Anyway this place is no better or worse than others I've been at. Seen a few girls - I think Lucy, Vicky, Yuna, Jasmine and possibly one more whose name I can't remember

It's £50 for the hour and £20 seems the going rate for HR - £40upwards for B2B depending on the girl. I usually stick at the £20 option

The massages vary and it's hit and miss.

I can't recommend any one girl in particular as I doubt I'd return to see any one of them again - I must just like the excitement of a different girl. I will no doubt return to see whichever girl is there when the urge and finances arrives

I will report briefly on my last visit - Jasmine. Small, and not overly attractive...but she seemed to have a nice rack and was friendly enough. Her massage is the best I've had there. The hour went past and no offer of anything else. At the end I just asked for a HE...she said no, then started to cry saying she didn't want to make me angry 

I wasn't angry as I can often give or take the HE - and I didn't suggest I was angry...but she kept repeating herself. In the end I told her everything was alright and left

Anyone else experienced something similar?


Hero
Member

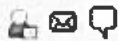

 **Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG**
« Reply #8 on: November 23, 2016, 10:23:53 PM »


 Quote

They're now advertising on Gummy <https://www.gumtree.com/p/other-massage-services/aldgate-east-oriental-full-body-oil-massage/1187181626>

Total Thanks
Received by
Member 123
Posts: 1124

we offer full body oil massage with fully qualify therapy , all the girls are young and beautiful .from far east ,we offer deep tissue massage , relaxing massage ,sports massage ,thai massageect,
all room have shower and fresh towel. after you will feel like new again at work,
pls make appointment




1 gunthorpe street
Aldgate east
E17RG

this is not a sexual service
itcm qualify

I find I'm spending more time in the Aldgate area these days so set my mind to pay a visit based on early reviews. Rang lunch time to book ahead, but a confused conversation ended with the phone going dead. Then had a text from them asking if I was still visiting and confirmed time by return text. Decided to enter Gunthorpe Street from the opposite end to Whitechapel as I wanted to sus out a location in Brick Lane on the way. Made my way down the street and drinkers/smokers blocking the Whitechapel entrance so glad on my route. Entered shop and explained my intent, and receptionist syas its £50 for the hour - I object and say that £45 was mentioned on the phone so she says OK (in hindsight I think it was another shop I'd rung who quoted £45, but worth trying it on methinks).

The receptionist turns out to be my masseuse, her name is Kiki (?). Reasonably attractive wearing a somewhat revealing white short smock type dress. SO there I am on the massage table sort of covered by a towel, but that didn't stay in place for long. I'd say the first 15 minute massage was a balance of nice deep massage with her body positioning displaying overtures of what was on offer. She's up on the table to get extra leverage on her massage strokes, but at the same time grinding herself on my ass cheeks. I responded appropriately and the cheek and leg strokes became more sensual with obvious cc swipes.

There's a bit of a commotion outside the room, another punter I guess, and Kiki legs it out of the room and comes back a minute or so later with her coat and handbag. Guess she didn't want them left unattended in the reception area - can't blame her. She invites the turn over and smiles at 'not so' little Josh and we chat on extras. The question of B2B sprung from my lips and she asks what is normal: she agrees and settles on £40 - we're both happy.

Off with her dress, no bra and only g string, and she's naked in a flash. Lovely


natural boobs and hard brown nipples. We oil and pleasure each other by my copying what she did to me. She got quite wet and orgasm'd which was my trigger to cum over her tits. Very enjoyable.

Showered, dressed and chatted, and although I was short timed by about 5/10 mins, I was content enough and didn't comment .

Will return as location is convenient and discreet enough, and company (on my experience) quite satisfying...


Thread title updated EC

« Last Edit: November 29, 2016, 12:07:18 PM
by EyeContact »

Report to
moderator  Logged

..


Full Member


 **Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG**
« Reply #9 on: January 23, 2017, 09:31:57 AM »

 Quote

Total Thanks
Received by
Member 8
Posts: 39

Paid this place another visit last week and saw Yang-Yang. She is probably in her early 30s, but has a super slim body - but not in a stupidly skinny way....reasonably attractive too. English is fairly basic

Paid for an hour at £50.



The first half an hour was a very good deep massage with Yang-Yang up on the table sitting astride me. I then turned over and was asked if I wanted a special massage for little Gaz...she asked £40 for H/R - I declined and countered that I usually pay £20 for that...she stuck to £40 so I decided not to budge from £20...so the massage carried on for another 10 minutes when she offered £30. I decided to accept

Whilst wide awake Little Gaz was playing stubborn and was holding out - which meant I actually made Yang-Yang work for her tip. All delivered very well and I was allowed be to grope her arse over her pants but prevented my hands from wandering upstairs.

All in all a decent experience, but doubt I'd return to see Yang-Yang as I think I can do better for the £80 I shelled out

Report to moderator  Logged

Full Member



**Total Thanks
Received by
Member 8
Posts: 39**



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« Reply #10 on: February 07, 2017, 11:33:49 AM »



Quote

Back again the other day

I saw Fang-Fang today - not to be confused with Yang-Yang who I saw the other week.

Probably mid 20's, slim and what I was later to find out were small A cup breasts.

Started with a massage that for quite a while was done without oil. Fang-Fang then asked if I wanted oil and I said that was fine. Massage was fairly firm but not super-strong. However I think this was as strong as she was capable. On occasion she climbed on the table and straddled me to work on my back

With 20-25 minutes remaining I turned over and was asked if I wanted Little Gaz massaged. £20 was agreed without haggling. I then asked what else she did and she 'acted out' oral...I shrugged my shoulders indicating interest - she said she didn't do that 🙄

I then asked about B2B and £40 was quickly agreed....so off with her kit. Nice a slim with A cup breasts as mentioned earlier, and a full afro down below 😊

Eventually she climbed on the table and sat across Little Gaz rubbing herself on him - presumably for her own satisfaction 😊. I was conscious that I didn't want to get too close to entry so controlled her movements by holding her waist. Anyway she eventually loosened up and we kissed a bit and I was able to suck on her breasts for as long as I wanted...I was also able to rub her down below

Eventually time arrived for Little Gaz to deposit his load which he dutifully did.

All in all a good session.

This place is hit-and-miss with the girls, as are a number of similar shops, but I'd happily recommend Fang-Fang

[Report to moderator](#) Logged

Jr. Member



**Total Thanks
Received by
Member 0
Posts: 5**



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« Reply #11 on: February 17, 2017, 09:42:54 AM »



Quote

Visited recently and saw Nancy. £50 for the hour. Hadn't seen her name in previous posts so initially hesitant but I needn't have been. I'd say around 25, quite pretty and nice figure hidden (initially) under black outfit and tights. English minimal, though an early comment of "nice body" was all the



communication I needed to let me know it was going to be a good hour. Good message to begin with, some sensual touches interspersed with fairly strong kneading of back and shoulders. Lots of breathy sounds to add to the mood. About half way in agreed b2b for £40 after very brief negotiation (she started at £50). She genuinely seemed shy to undress which was perhaps a pointer to being fairly new to the business, but once she'd climbed aboard the shyness melted away pretty quickly. B2B was raunchily delivered and enjoyed by both of us, even if the end was a little too vigorously delivered for my taste.

Had a quick shower and was ready to go but Nancy reappeared and offered 10 mins more head and shoulder massage which was excellent - really dug into some deep knots. "Is good pain" she said as she dug her elbows in. All in all lived up to previous reports & I tipped a little extra. Was it money well spent? Echoing the thoughts of a recent poster on another thread, no, not really. For about the same cost Zhangri-la is a better bet IMO and I know I could spend the cash more wisely on any number of things. But Relax Studio is one of the better places I've been to, so if I'm in the area and the mood strikes, I'd go back.

[Report to moderator](#) [Logged](#)

Full Member

Re: Eastlondonmassage.co.uk 1 Gunthorpe Street, E1 7RG
« **Reply #12 on:** February 19, 2017, 10:01:16 AM » **Quote**

Total Thanks Received by Member 12 Posts: 233

Quote from: Garyzz on October 21, 2016, 04:43:32 PM

At the end I just asked for a HE...she said no, then started to cry saying she didn't want to make me angry 😞 I wasn't angry as I can often give or take the HE - and I didn't suggest I was angry...but she kept repeating herself. In the end I told her everything was alright and left



Wow, I find this a bit worrying, I must say.
I hope the girls don't get into trouble when there's an unhappy customer...

[Report to moderator](#) [Logged](#)

Full Member

Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« **Reply #13 on:** March 09, 2017, 05:48:19 PM » **Quote**

Total Thanks Received by Member 4 Posts: 34

Have to break cover with a recommendation on the wonderful Nancy, seen her twice so time to share I think...

To my taste very attractive in a non-tarty way, probably late 20s.

First time... face down...she had smiled a lot at me so I began to just rub her leg



lightly through her tights...she started moaning a little which of course encouraged me...this turned into 80 minutes (hour paid) of sensational massage kissing fondling and coming...

she told me she came twice and unless she is more Oscar worthy than Moonlight/Lala Land she did indeed orgasm for China/UK... I think I gave her 50 but I was cross eyed by then

we showered together at the end and both staggered out of the room saying wow...i think I was very lucky and we totally clicked - either way i can recommend her as a really pleasant girl with a good massage and perhaps a lot more if she takes a fancy

Honestly I felt I should never go to a similar place again again as I could never top that...

that abstinence lasted about a week 😊

[Report to moderator](#) [Logged](#)

Full Member



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
 « **Reply #14 on:** April 04, 2017, 06:47:06 AM »

[Quote](#)

Total Thanks Received by Member 5 Posts: 65



Visited here 2 weeks ago. Booked in advance, wanted to see Nancy but the receptionist laughed and said she only works Thursday. It wasn't Thursday but I went ahead anyway. Can't remember the lady's name (*later posted that she was called Lucky*)who showed me to the room. She was very slim, wearing a dark skirt and top. First part of the massage was very good, firm, hitting the right places. She got onto the couch and knelt to one side to work my back, then switched sides, then straddled me and sat on me as she worked my back, at one point adjusting her skirt so it was skin to skin. It must be a move many of the ladies there use and it was very nice. Things got more sensual after that with plenty of reach unders and ass play.

We agreed B2B for £50. She was very relaxed, lay astride me in FDM and face up, lots of eye contact and great use of her slim breasts. At one point she offered a BJ but I didn't have the extra £20 that would cost. All ended very happily, a quick shower and home. One to return to, but I must make sure its Thursday and a chance with Nancy.

====

Masseuse name added as given in a later post.

MAT

« *Last Edit: April 15, 2017, 01:11:03 AM by ManAboutTown* »

[Report to moderator](#) [Logged](#)

Jump

to:

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Pages: 1 [2]

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[REDACTED]
Full Member



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG

« Reply #15 on: April 06, 2017, 07:28:08 PM »


Quote

Total Thanks Received by Member 5
Posts: 65


Visited here again and saw Fang Fang. Very pleasant and friendly young lady. Her firm massage was spectacularly good, hit many of the right spots and I would happily have paid the fee just for such a legit treatment. As with the other ladies, at one point she straddled me and ground her bottom into mine as she worked my back. Then she shifted back and gave my buttocks a very thorough kneading. Then on with the oil, plenty of flowing movements before the inevitable slower and more sensuous touch, with some magic reach unders. We agreed a nude HR which she did very well, long and intense. Loved the whole experience and one to repeat. Well worth a £50 tip



By the way, I remembered the name of the lady when I first visited, she was called Lucky.


[Report to moderator](#)  [Logged](#)

[REDACTED]
Jr. Member



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG

« Reply #16 on: April 09, 2017, 08:40:27 PM »


Quote


Total Thanks Received by Member 0
Posts: 9

Anyone seen Lucky here? Thinking of visiting this week and whether she's worth a visit!




[Report to moderator](#)  [Logged](#)

[REDACTED]
Full Member



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG

« Reply #17 on: April 14, 2017, 07:43:18 AM »


Quote



Total Thanks
Received by
Member 5
Posts: 65

IHO she is good. I had a very nice experience with her, slow and sensuous



[Report to moderator](#) [Logged](#)

Jr. Member



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« Reply #18 on: April 14, 2017, 10:34:50 PM »

[Quote](#)

Total Thanks
Received by
Member 0
Posts: 9

I took the plunge yesterday and visited The Relax Studio and saw Nancy I was intrigued to see whether she lived up to the hype!

Well yes and no

She is a pretty youngish slim girl who looks attractively both facially and with a nice body.



Dressed in a short skirt and black tights. looked good!

Massage started with me lying face down with some stretches over a towel. After about five minutes i began gently stroking leg ... ever so slightly and the moans began if i have to be honest i was not convinced they were genuine and just for the benefit of pleasing the customers.

I agreed for b2b for £50 and she initially stripped to bra and knickers. Reluctantly she took off her bra but spent most of the time holding her breasts not sure if she was shy but surprised given the posts below. She provided some nice body slides and eventually took off her knickers with some some body slides on front and gentle blowing across my body.

it didn't take me long to shoot my load there were moans and groans and she made out she had orgasmed but i'm not convinced i think it's what she wants the customers to think/hear. Nonetheless, she is a lovely girl, certainly not a clockwatcher as she carried on with another twenty minutes massage afterwards and is very competent.

Maybe we didn't click like others have done. Would i see her again ... probably not but maybe i'll try one of the other girls before determining my final verdict on this place. It does benefit from a nice discreet location only a minute's walk from Aldgate East Exit 3

[Report to moderator](#) [Logged](#)

Full Member



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« Reply #19 on: June 23, 2017, 02:38:18 PM »

[Quote](#)

Total Thanks
Received by
Member 7
Posts: 78

I passed by this place on 2 occasions earlier in the week and spotted the same 2 (one mature, one younger) ladies sitting in the shop. Not a very inviting shop and lots of weirdos in the area. Has anyone been lately ? What does Nancy look like and is this place more of a chinatown type of a shop ? I will be in the area

again next week and could try a 30 min sesh but not if its a knocking shop !!!!



[Report to moderator](#) [Logged](#)

[Redacted]
Hero Member
[Progress Bar]



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« Reply #20 on: June 23, 2017, 10:59:41 PM »

[Quote](#)

Quote from: daniil on June 23, 2017, 02:38:18 PM

but not if its a knocking shop !!!!

daniil, judging by the PMs you've sent me in the past asking if FS was available at certain places, I'd have thought that would appeal to you.

Total Thanks Received by Member 116 Posts: 1362



[Report to moderator](#) [Logged](#)

[Redacted]
Full Member
[Progress Bar]



Re: The Relax Studio - 1 Gunthorpe Street, London, E1 7RG
« Reply #21 on: June 24, 2017, 12:00:38 PM »

[Quote](#)

Quote from: Telemaster on June 23, 2017, 10:59:41 PM

daniil, judging by the PMs you've sent me in the past asking if FS was available at certain places, I'd have thought that would appeal to you.

Total Thanks Received by Member 7 Posts: 78



Just looking for a massage these day 😊

====

Corrected the quoted text headings

MAT

« Last Edit: June 28, 2017, 12:24:56 AM by ManAboutTown »

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Pages: 1 [2]

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Jump to:

Natalie Thompson

NAT5

From: James McDermott
Sent: 22 April 2016 08:19
To: Natalie Thompson
Subject: FW: ENF/16/00081 - Nagpal House, 1 Gunthorpe Street, London
Attachments: Images of breach .pdf

FYI

From: [REDACTED] Behalf Of B Nagpal
Sent: 20 April 2016 14:15
To: [REDACTED]
Cc: Shahzad Rizvi; James McDermott
Subject: Re: ENF/16/00081 - Nagpal House, 1 Gunthorpe Street, London

Dear Mr Yau

Further to my discussion with you yesterday, I have informed Tower Hamlets Enforcement department of our conversation, namely that you have informed me that you will comply with the opening hours of 8am to 8pm.

I have since our conversation also been advised by Tower Hamlets that you are not permitted to install the illuminated signage, both in the window, nor directly outside the premises (see attachment - images of breach). Can you please remove these immediately and confirm such to Mr McDermott once completed.

I am dealing with the issues vis-a-vis the shutters and in that respect no action is required on your part.

Warmest regards
Bobby Nagpal

On 19 April 2016 at 16:21, James McDermott <[REDACTED]> wrote:

Dear Mr Nagpal,

Thank you for responding to my letter dated 04/04/2016. There are a number of issues which the council have some concerns over relating to the premises at Nagpal House, 1 Gunthorpe Street. I will outline these concerns in this email below.

Firstly, the original complaint was in relation to unauthorised shutters on the principle elevation of the shop front. As you may be aware, your premises is located within the Whitechapel Conservation Area. As such, any shop front alterations would require consent from the local planning authority. Notwithstanding, going by the dated images on Google maps, I have reason to believe that the shutters benefit from planning immunity due to the length of time that they have been in situ. Therefore, can you confirm when the shutters were installed and if possible, provide any evidence of their installation? If sufficient evidence is submitted, I would be satisfied to close this segment of the enforcement investigation.

The second concern that the council has is in relation to the on-going use of the premises as a massage parlour. As you may also be aware, the premises was granted planning permission in April 2003 for, "Erection of a four storey building with a ground floor commercial unit ('A1' retail or 'A2' financial/professional services) and Two x Two-bedroom and Four x One-bedroom flats above. (Includes partially covered roof terrace and escape stair serving property at 87 Whitechapel High Street) Ref: - PA/01/00919/A1' (see attached decision notice)

Condition 9 states;

[REDACTED]

The commercial uses hereby permitted on the ground floor shall not be carried out otherwise than between the hours of 8.am and 8.pm on any day.

Reason: To safeguard the amenities of the adjoining residential property and the area generally.

The council has evidence to suggest that the massage parlour is in breach of condition 9, as outlined in PA/01/00919/A1, therefore I would strongly suggest that the leaseholder complies with this condition to avoid any formal means of enforcement action. If the leaseholder wishes to operate beyond these hours, then he/she will have to submit a planning application to have the revised hours authorised by the Council.

The councils final concern is in relation to the illuminated signage both in internally in the shop and externally in the alley way (see attached images of the breach). Both of these light emitting signs do not have consent from the Local Planning Authority and should be removed as a matter of urgency. I would expect that work be carried out to remove these light sources within 14 days from the date of this email and the tenant complies with the opening hours of the shop. Should these breaches of planning control continue, the council will consider the expediency of taking formal enforcement action to resolve this breach. [REDACTED]

I would be obliged if you could acknowledge the receipt of this email and outline your intentions to resolve this breach of planning control. In addition, I would be grateful if you could forward this email to your tenant and make them aware of the significance of this issue.

Kind regards,

James McDermott | [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The comments contained in this email represent the views of a planning officer solely and cannot be held to be binding on future decision of the Council as Local Planning Authority.

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From: [REDACTED] **Behalf Of** B Nagpal
Sent: [REDACTED]
To: James McDermott
Subject: ENF/16/00081 - Nagpal House, 1 Gunthorpe Street, London

Dear Mr McDermott

Re: ENF/16/00081 - Nagpal House, 1 Gunthorpe Street, London

I write with reference to your letter dated 04/04/2016 served at the property address, a copy of which was received by my office a few days later whilst I was away on holiday. You will also have received a notification from the managing agent advising of my absence from the UK, and that I would be contacting you today.

I have called today to speak with you but I understand you are away. I would be grateful if you can call me upon your return so that I may resolve this matter to your satisfaction. I offer my complete assistance in this matter.

Look forward to hearing from you shortly.

Warmest regards
Bobby Nagpal

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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LONDON BOROUGH OF TOWER HAMLETS: HEALTH & SAFETY AT WORK RECORD OF CONTACT

[Redacted]

[Redacted]

Date 15 08 2017

Officer NAT

Recorded on App Natale Thompson

Name of Business/ Occupier Relax Studio
 House Name _____
 No 2 Street Wonthorpe Street
 Town _____ Post Code E17RA
 Tel. No. [Redacted] Fax No. _____
 Contact / Title Chau Wa Yiu
 Email [Redacted]

- Visit Type
- K = Full audit
 - R = Unitisation
 - L = S Req visit
 - M = Accident inv
 - N = Revisit to check
 - OR = H&S Advisory/Project visit
 - S = Other incl sampling

NAT6

- A01 Whole of Premises
- A02 Part of Premises
- A04 Other (catering area only)
- A03 Records

* delete as appropriate
 General topic areas

1. Safety Policy	7. Sanitary accomm/wash facilities/drinking water	13. Emergency Precautions
2. Risk Assessment	8. Electrical installation/electrical appliances*	14. Smoke free
3. Accident Reporting	9. Hazardous substances	15. Workplace transport
4. Slips and trips	10. Mechanical/manual handling(msd)	16. Working at height
5. First Aid	11. Storage arrangements	17. Asbestos
6. Heating/lighting/ventilation*	12. Machinery	

General

Visit to check who is working at premises.
 Chau Wa Yiu working at premises & also Yingsh.
 Men who is not exempted & started working here
 last Tuesday. [Redacted] informed Chau W
 Yiu that Yingsh. must not work here as there is no
 special treatment licence for the premises.
 Also informed Chau Wa Yiu that there were test
 purchases carried out at the premises where sexual
 services were offered so I will be notifying the
 Independent Professional Therapist Association.
 Caution given to Chau Wa Yiu.

Summary of action to be taken

Informal Improvement Notice Prohibition notice Licensing non-conformities

This report is to inform you of contravening against the Health & Safety at Work etc. Act 1974 and other relevant statutory provisions which should be remedied as soon as possible. You should take steps to ensure that the contraventions do not recur. This report may also give advice and recommendations but only covers the areas discussed at the time of visit. The absence of comment does not indicate compliance with the Health & Safety at Work Act or any Regulations made thereunder. Failure to achieve and maintain satisfactory conditions in your business may result in prosecution.

Signature of Authorised Inspector _____ [Redacted]

*Signature of Proprietor/ Owner/person interviewed _____ [Redacted]

*circle as appropriate

This page is intentionally left blank

From: Natalie Thompson
Sent: 08 September 2017 15:32
To: 'wai-ming yau'
Subject: RE: Danis Gabrieela
Attachments: SPETREAT.001.FIRSTAPP.doc; spetreat.002.doc; SPETREAT.003.doc;
SPETREAT.004.doc; spetreat.005(new).doc; SPETREAT.007.doc; SPETREAT.008.doc;
SPETREAT.009.doc; SPETREAT.010.Newspaper.doc; SPETREAT.011.doc;
SPETREAT.012.doc

Dear Sir

Thank you for your email. After consideration the decision has been made **not** to exempt the premises Relax Studio, Unit 2 1 Gunthorpe Street, London, E1 7RG from the Special Treatment Licensing regime due to concerns about the management of the premises following the two test purchases carried out in June where services of a sexual nature were offered to the test purchasers.

I must remind you that it is an offence to carry out any Special Treatments if you do not have a licence. If you commit an offence you may be liable to a fine of up to **£2,500**.

If you wish to apply for a licence you must go through the normal licence consultation procedures and have a premises inspection. I have attached the application documents. If you wish to apply please complete and send back as soon as possible along with the documents listed in the document SPETREAT.004.

Regards
Natalie

From: wai-ming yau [mailto:]
Sent: 07 September 2017 14:23
To: Natalie Thompson
Subject: Re: Danis Gabrieela

Thank you i would like to send you a new staff (ACMP certificate)i hope this one is acceptable .

From: Natalie Thompson < >
Sent: 05 September 2017 15:23
To: < >
Subject: Danis Gabrieela

Dear Sir

Thank you for handing in a copy of Danis Gabriela's ACMP certificate. I have contacted the ACMP. They have informed me that Danis is a TuiNa practitioner only and **therefore is not eligible** for an exemption from the Special Treatment licensing Regime. Please let me know if you wish to apply for a licence.

Regards
Natalie

Natalie Thompson | [REDACTED]

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Web site : <http://www.towerhamlets.gov.uk>

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047756

LONDON BOROUGH OF TOWER HAMLETS: HEALTH & SAFETY AT WORK RECORD OF CONTACT

Date 20 09 2017

Officer NAT Natalie Thompson

Recorded on App

Name of Business/ Occupier Relax Studio

House Name

No 1 Street Gonthorpe Street

Town Post Code E17RG

Tel. No. Fax No.

Contact / Title Apple

Email:

Visit Type

- K = Full audit
- R = Unitisation
- L = 5. Req visit
- M = Accident inv
- N = Revisit to check
- OR = H&S Advisory/Project visit
- S = Other incl sampling

NAT8

- A01 Whole of Premises
- A02 Part of Premises
- A04 Other (catering area on
- A03 Records

* delete as appropriate
General topic areas

1. Safety Policy	7. Sanitary accomm/wash facilities/drinking water	13. Emergency Precautions
2. Risk Assessment	8. Electrical installation/electrical appliances*	14. Smoke free
3. Accident Reporting	9. Hazardous substances	15. Workplace transport
4. Slips and trips	10. Mechanical/manual handling(msd)	16. Working at height
5. First Aid	11. Storage arrangements	17. Asbestos
6. Heating/lighting/ventilation*	12. Machinery	

General

Visit to check whether special treatments - including massage & acupuncture & reflexology are being carried out or offered or advertised without a licence. All advertisements including at the front of the shop & any online advertisements must be removed or you may face prosecution without further warning.

You must not offer or carry out special treatments without a licence.

At time of visit special treatments were being advertised at the front of the shop & in reception.

Please contact me if you require another application form.

Summary of action to be taken

Informal Improvement Notice Prohibition notice Licensing non-conformities

This report is to inform you of contravening against the Health & Safety at Work etc. Act 1974 and other relevant statutory provisions which should be remedied as soon as possible. You should take steps to ensure that the contraventions do not recur. This report may also give advice and recommendations but only covers the areas discussed at the time of visit. The absence of comment does not indicate compliance with the Health & Safety at Work Act or any Regulations made thereunder. Failure to achieve and maintain satisfactory conditions in your business may result in prosecution.

Signature of Authorised Inspector _____

*Signature of Proprietor/ Owner/person interviewed _____

*circle as appropriate

↳ staff member - not apple.

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Natalie Thompson

From: Natalie Thompson
Sent: 21 September 2017 17:36
To: 'wai-ming yau'
Subject: Visit to 1 Gunthorpe Street 20.09.17

Dear Sir

I visited the premises Relax Studio at 1 Gunthorpe Street yesterday and found that special treatments were being advertised and carried out without a licence under the London Local Authorities Act 1991. Please note that this is an offence under the London Local Authorities Act 1991 and you may face enforcement action without further notice.

You must remove all adverts- including any online advertising offering special treatments as you do not have a licence. Special treatments include massage, acupuncture and Reflexology. Visits will be undertaken to check compliance.

Please let me know if you require any further information on the application process.

Regards
Natalie

Natalie Thompson | 


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047444

LONDON BOROUGH OF TOWER HAMLETS: HEALTH & SAFETY AT WORK RECORD OF CONTACT

Date 09 10 2017

Officer NAT

Recorded on App Natalie Thompson

Name of Business/ Occupier Relax Studio

House Name _____

No 1 Street Gunthorpe Street

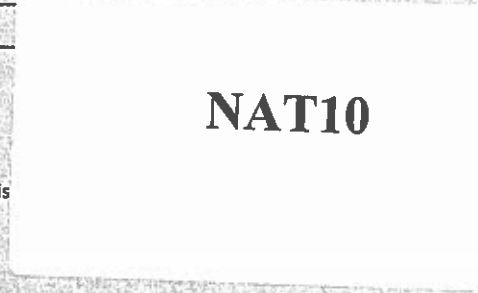
Town _____ Post Code _____

Tel. No. _____ Fax No. _____

Contact / Title Chan Wa Yu

Email: _____

- Visit Type
- K = Full audit
 - R = Unitisation
 - L = S.Req visit
 - M = Accident Inv
 - N = Revisit to check
 - OR = H&S Advisory/Project vis
 - S = Other incl sampling



- A01 Whole of Premises
- A02 Part of Premises
- A04 Other (catering area only)
- A03 Records

* delete as appropriate
General topic areas

1. Safety Policy	7. Sanitary accomm/wash facilities/drinking water	13. Emergency Precautions
2. Risk Assessment	8. Electrical installation/electrical appliances*	14. Smoke free
3. Accident Reporting	9. Hazardous substances	15. Workplace transport
4. Slips and trips	10. Mechanical/manual handling(msd)	16. Working at height
5. First Aid	11. Storage arrangements	17. Asbestos
6. Heating/lighting/ventilation*	12. Machinery	

General

* Visit to check whether special treatments are being offered or advertised, without a licence.

Acupuncture & massage & reflexology are being advertised. 2 ladies at the premises.

Advertisements taken down at time of visit.

You must not carry out or advertise special treatments without a licence. The application form & payment is not a licence. It is an offence to advertise & carry out special treatments including massage, reflexology & Acupuncture without a licence. An enforcement action or prosecution could take place without further notice.

Summary of action to be taken

Informal Improvement Notice Prohibition notice Licensing non-conformities

This report is to inform you of contravening against the Health & Safety at Work etc. Act 1974 and other relevant statutory provisions which should be remedied as soon as possible. You should take steps to ensure that the contraventions do not recur. This report may also give advice and recommendations but only covers the areas discussed at the time of visit.

The absence of comment does not indicate compliance with the Health & Safety at Work Act or any Regulations made thereunder. Failure to achieve and maintain satisfactory conditions in your business may result in prosecution.

Signature of Authorised Inspector _____

*Signature of Proprietor/ Owner/person interviewed _____

*circle as appropriate

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LIST OF BODIES OF HEALTH PRACTITIONERS GRANTED EXEMPTION BY THE LONDON SPECIAL TREATMENTS GROUP
(EXEMPT UNDER SECTION 4 OF THE LONDON LOCAL AUTHORITIES ACT 1991)

June 2017

This list is for recommendation only. Individual authorities may if they wish still require members of these organisations to apply for a licence in their borough.

Under Section 4c of the 1991 Act anyone who is registered with the Health and Care Professionals Council does not require a licence. This includes Physiotherapists and Chiropodists. In addition Chiropractors and Osteopaths are specifically exempted under the Act.

Page 1369	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
1.	Anglo Chinese Medicine Doctor Society (ACMDS) 143 Streatham High Road London SW16 6EG	Reviewed 1.7.2016	Acupuncture * Massage	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]
2.	Association of Chinese Medicine Practitioners (ACMP) 96 Cuckoo Dene Hanwell London W7 3DR	Reviewed 1.7.2016	Exemption applies only to Members registered as Doctors Acupuncture * Acupressure * Tui-Na	[REDACTED]	[REDACTED]
3.	Association of Naturopathic Practitioners (ANP) Coombe Hurst Coombe Hill Road East Grinstead RH19 4LZ	Reviewed 8.6.2017	FULL MEMBERS EXEMPT ONLY Acupuncture * Holistic Massage (Naturopathy)	[REDACTED]	[REDACTED] [REDACTED]

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
Page 370	<p>4. Association of Reflexologists (includes the International Institute of Reflexology) Victoria House Victoria Street Taunton Somerset TA1 3FA</p>	Reviewed 8.6.2017	<p>STUDENT & FRIEND MEMBERS NOT EXEMPT</p> <p>Acupressure * Acupuncture * Aromatherapy * Ayurveda * Body Massage * Bowen Technique * Champissage * Chiroprody * EFT * Holistic Massage * Hopi Ear Candles * Indian Head Massage * Manual Lymphatic Drainage * Metamorphic Technique * No Hands Massage * Polarity Therapy * Qi Gong * Reflexology * Remedial Massage * Rolfing * Shiatsu * Sports Massage * Stone Therapy * Therapeutic Massage * Tui Na</p>	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
	<p>5. Association of Traditional Chinese Medicine & Acupuncture UK Suite 12 Brentano House Unit 5, The Exchange Brent Cross Gardens London NW4 3RJ</p>	Reviewed 8.6.2017	<p>Full Members: Acupuncture * Tui-Na * Moxibustion Cat 1 & 3 members: Acupuncture * Tui-Na. Cat 2 members: Acupuncture only Associate members: Tui-Na only</p>	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
	<p>6. Ayurvedic Practitioners Association (APA) 23 Green Ridge Brighton East Sussex BN1 5LT</p>	Reviewed 1.7.2016	Ayurvedic Massage * Ayurvedic Medicine	[REDACTED]	[REDACTED]

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
7.	BASRaT – British Association of Sport Rehabilitator’s and Trainers Angela Cumine c/o St Marys University College Strawberry Hill Twickenham YW1 4SX	Reviewed. 7.2016	Sports Massage	██████████	██████████ ██████████
8.	Bowen Association UK PO Box 210 1DD Boston Lincs PE21 1DD	Reviewed 8.6.2017	ONLY FULL MEMBERS EXEMPT Bowen Therapy * Bowen Technique	██████████	██████████ ██████████ ██████████ ██████████
9.	British Complementary Medicine Association PO Box 5122 Bournemouth Dorset BH8 OWG	Reviewed 1.7.2016	Acupuncture * Polarity Therapy * Indian Head Massage * Manual Lymphatic Drainage * Aromatherapy	██████████	██████████
10.	British Medical Acupuncture Society 60 Great Ormond St London WC1N 3HR	Reviewed 8.6.2017	Acupuncture	██████████	██████████
11.	British Reflexology Association Monks Orchard Whitbourne Worcester WR6 5RB	Reviewed 8.6.2017	ORDINARY MEMBERS ONLY Reflexology	██████████	██████████ ██████████

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
12.	British Register of Complementary Practitioners. Formally Institute for Complementary & Natural Medicine, incorporating the Can-Mezzanine 32-36 Loman Street London SE1 0EH	Reviewed 8.6.2017	Acupuncture * Acupressure * Aromatherapy * Bowen Technique * M L Drainage * Remedial, Sports, Holistic and Indian Head Massage * Reflexology * Shiatsu * Tui Na * Qi Gong	020 7922 7980	clive.teal@icnm.org.uk www.icnm.org.uk
13.	Chinese Medical Institute & Register 101-105 Camden High Street London NW1 7JN	Reviewed 8.6.2017	ASSOCIATE & STUDENT MEMBERS NOT EXEMPT Acupuncture * Tui- Na * Moxibustion *	020 7874 1801	info@cmir.org.uk www.cmir.org.uk
14.	Complementary & Natural Healthcare Council 46-48 East Smithfield London E1 1AW	Reviewed 1.7.2016	Aromatherapy * Bowen Technique * Reflexology * Shiatsu * Sports and Remedial Massage	0203 170 8338	info@cnhc.org.uk
15.	Complementary Health Professionals Kemp House City Road London Borough of Enfield EC1V 2NX	Reviewed 8.6.2017	FULL MEMBERS EXEMPT ONLY Aromatherapy * Sports Massage* Therapeutic Massage * Indian Head Massage * Remedial Massage * Tui-Na * Neuroskelital Realignment Therapy * Manual Lymphatic Drainage * Bowen Therapy * Shiatsu * Reflexology * Reiki * Hopi Ear Candle * Metamorphic Technique	0333 577 3340	enquiries@complementaryhealthprofessionals.co.uk www.complementaryhealthprofessionals.co.uk

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
16.	Complementary Medical Association Three Corners 49 Albany Road St Leonards on Sea East Sussex TN38 0LJ	Reviewed 1.7.2016	Acupressure * Aromatherapy * Ayurvedia * Colour Therapy * Qi Gong * Reflexology * Shiatsu * Indian Head Massage	██████████ ██████████	██████████ ██████████
17.	Complementary Therapists Association (CThA) 2 nd Floor Chiswick Gate 598-608 Chiswick High Road London W4 5RT	Reviewed 8.6.2017	Aromatherapy *Acupuncture * Bowen Therapy * Reflexology * Shiatsu * Alexander Technique * Reiki and other healing techniques * Sports therapeutic & holistic massage	T. ██████████ ██████████	██████████ ██████████
18.	Federation of Holistic Therapists 18 Shakespeare Business Centre Hathaway Close Eastleigh Hampshire S050 9XG	Reviewed 1.7.2016	Acupressure * Aromatherapy * Bowen Therapy * ML Drainage * Advanced MLD * Reflexology * Shiatsu * Sports & Remedial massage * Indian head massage * Moxibustion * Thai Massage & Foot massage * Qi Gong * Tui Na * Auricular Acupuncture * Colour Therapy * EFT * Metamorphic Technique * Polarity Therapy * Stone Therapy	██████████ ██████████	██████████ ██████████
19.	Federation of Traditional Chinese Medicine Practitioners (FTCMP) PO Box 51189 London SE13 9DE	Reviewed 1.7.2016	Exemption applies only to Members registered as Doctors Acupuncture * Acupressure * Tui Na	██████████ ██████████	██████████ ██████████

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
20.	Guild of Holistic Therapists 320 Burton Rd Derby DE23 6AF	Reviewed 1.7.2016	Acupressure * Aromatherapy * Bowen Technique * Champissage (Indian Head Massage) * Colour Therapy * Infrared * Manual Lymphatic Drainage * Metamorphic Technique * Reflexology * Reiki * Shaitso * Sports Massage * Stone Therapy * Thai Massage * Thermo – Auricular Therapy * Tui Na	██████████	██████████ m
21.	Independent Professional Therapists International (IPTI) PO Box 106 Retford DN22 7WN	Reviewed 8.6.2017	Aromatherapy * Bowen Technique * Holistic, Therapeutic & Remedial Massage * Lymphatic Drainage * Shiatsu Sports Massage * Acupressure * Thermo Auricular Therapy * Metamorphic Technique * Polarity Therapy * Reflexology * Moxibustion * Rolfing	██████████	██████████ ██████████
22.	Institute of Osteopathy Acupuncture Group Institute of Osteopathy 3 Park Terrace, Manor Road Luton LU1 3HN	Reviewed. 7.2016	Acupuncture and Dry Needling in conjunction with Osteopathy	██████████	██████████
23.	Institute of Sports & Remedial Massage (ISRM) 28 Station Parade London Borough of Enfield	Reviewed 8.6.2017	Sports & Remedial Massage * Soft Tissue Therapy	██████████	██████████ ██████████

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
24.	Institute of Trichologists 24 Longroyd Road London SW17 7PL	Reviewed 1.7.2016	Trichology * Head Massage	██████████	a ██████████
25.	International Federation of Aromatherapists 146 South Ealing Road London W5 4QJ	Reviewed 8.6.2017	EXEMPTION APPLIES ONLY TO FULL & ASSOCIATE MEMBERS Aromatherapy * Massage in association with Aromatherapy only.	T. ██████████ ██████████	██████████ ██████████
26.	International Federation of Reflexologists 8-9 Talbot Court London EC3V 0BP	Reviewed 8.6.2017	FULL MEMBERS EXEMPT ONLY Reflexology	██████████ ██████████	██████████ ██████████
27.	Manual Lymphatic Drainage UK ltd The Annexe at Pound Farm Church Lane Rudford Gloucester GL2 8DT	Reviewed 8.6.2017	ASSOCIATE & FULL MEMBERS ONLY Manual Lymphatic Drainage	██████████	██████████ ██████████
28.	Massage Training Institute Exams Administrator PO Box 368 Hitchin Hertfordshire SG5 9DT	Reviewed 8.6.2017	Holistic Massage * Sports & Remedial Massage * Indian Head Massage	██████████	██████████ ██████████
29.	Shiatsu Society UK PO Box 4580 Rugby Warwickshire CV21 9EL	Reviewed 1.7.2016	Shiatsu	██████████	██████████

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
30.	Sports Massage Association 86 Nelson Road London SW19 IHX	Reviewed 1.7.2016	Sports Massage	██████████	██████████
31.	The Acupuncture Association of Chartered Physiotherapists Sefton House Adam Court, Newark Road Peterborough PE1 5PP	Reviewed 1.7.2016	Acupuncture * Physiotherapy * Acupressure * Moxibustion * Auricular Acupuncture	██████████	██████████
32.	The Acupuncture Society 131a East End Road N2 0SZ	Reviewed 8.6.2017	Acupuncture * Acupressure * Chinese massage * Tui na * Korean Hand massage * Qi Gong * Moxibustion * Auricular Acupuncture * Electro Acupuncture	T. ██████████	██████████ ████████████████████
33.	The Bowen Therapists Professional Association PO Box 2920 Stratford Upon Avon CV37 9ZL	Reviewed 8.6.2017	Bowen Therapy	██████████	██████████████████ ██████████████████
34.	The British Acupuncture Council 63 Jeddo Road London W12 9HQ	Reviewed 8.6.2017	FULL & PROVISIONAL MEMBERS ONLY Acupuncture * Moxibustion * Acupressure * Tui Na * Auricular Acupuncture * Electro Acupuncture * Thermal (infa-red)	██████████ ██████████	██████████████████ ██████████████████

	Name and Address	Date Granted	Exempt Treatments	Tel No Fax	E-mail Web
35.	The British Association of Accredited Ayurvedic Practitioners (BAAAP) 5 Blenheim Road North Harrow Middlesex HA2 7AQ	Reviewed 8.6.2017	STUDENT MEMBERS NOT EXEMPT Ayurvedic Medicine * Ayurvedic Therapies * Indian head * Remedial massage	██████████	██████████ ██████████
36.	The Register of Chinese Herbal Medicine Suite 5 Sackville Place 44-48 Magdalen Street Norwich NR3 1JU		Acupuncture * Electro acupuncture * Auricular acupuncture * Acupressure * Moxibustion * Tui-Na * Shiatsu * Sports & Remedial Massage * Swedish Massage (Swedish massage not to be carried out alone but part of larger treatment plan)	██████████	██████████ ██████████
37.	Uni-Balance Chinese Healthcare Ltd t/a Simply Treatments Association 90 Caledonian Road London N1 9DN	6.3.2017	Acupuncture * Electro acupuncture * Auricular acupuncture * Microsystems acupuncture * Acupressure * Holistic Massage * Sports Massage * Tui-Na * Manual Lymphatic Drainage * Meridian Therapy * Qi Gong	██████████	██████████ ██████████

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From: Joseph Roberts
Sent: 14 November 2017 14:51
To: Natalie Thompson
Subject: RE: Relax Studio, 1 Gunthorpe Street, E1 7RG

An enforcement notice was issued on 21st October for the change of use of the unit to a massage parlour (Sui Generis).

The enforcement notice was appealed by the owner and was subsequently quashed by an Inspector on 7th September 2017. As part of the appeal the inspector granted planning permission for the use. This was granted with the condition regarding opening hours, the conditions are outlined below:

“Subject to these corrections the appeal is allowed, the Enforcement Notice is quashed and planning permission is granted on the application deemed to have been made under Section 177(5) of the 1990 Act for the development already carried out, namely the use of the part of the ground floor at Nagpal House, 1 Gunthorpe Street, London, E1 7RG, as shown edged in red on the plan attached to the Appeal Decision, as a massage parlour subject to the following conditions:

1. Unit 2 at Nagpal House shall only be used as a massage parlour.
2. Only two of the rooms within Unit 2 shall be used as massage rooms.
3. The massage parlour use hereby permitted shall not be open for business between 20:00 hours and 08:00 hours on the following morning.”

The council has now received various complaints and evidence that the massage parlour is consistently staying open past 20:00. In light of this a Breach of Condition Notice is about to be served.

Kind regards,

Joe Roberts

From: Natalie Thompson
Sent: 09 November 2017 18:04
To: Joseph Roberts
Subject: RE: Relax Studio, 1 Gunthorpe Street, E1 7RG

Thanks very much

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