

CABINET

MAYOR

Mayor John Biggs

CABINET MEMBERS

Councillor Sirajul Islam (Statutory Deputy Mayor and Cabinet Member for Housing)

Councillor Rachel Blake (Deputy Mayor and Cabinet Member for Regeneration and

Air Quality)

Councillor Asma Begum (Deputy Mayor and Cabinet Member for Community Safety

and Equalities)

Councillor Amina Ali (Cabinet Member for Culture, Arts and Brexit)

Councillor David Edgar (Cabinet Member for Environment)

Councillor Danny Hassell (Cabinet Member for Children, Schools and Young People)

Councillor Denise Jones (Cabinet Member for Adults, Health and Wellbeing)

Councillor Candida Ronald (Cabinet Member for Resources and the Voluntary Sector)

Councillor Motin Uz-Zaman (Cabinet Member for Work and Economic Growth)

[The quorum for Cabinet is 3 Members]

MEETING DETAILS

Wednesday, 25 July 2018 at 5.30 p.m.
C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

The meeting is open to the public to attend.

Further Information

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

Contact for further enquiries:

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Web:http://www.towerhamlets.gov.uk

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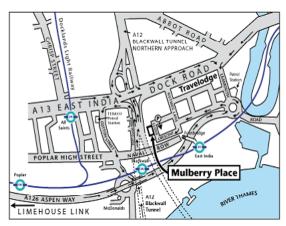
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A Guide to CABINET

Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor John Biggs** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has appointed nine Councillors to advise and support him and they, with him, form the Cabinet. Their details are set out on the front of the agenda.

Which decisions are taken by Cabinet?

Executive decisions are all decisions that aren't specifically reserved for other bodies (such as Development or Licensing Committees). In particular, Executive Key Decisions are taken by the Mayor either at Cabinet or as Individual Mayoral Decisions.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through www.towerhamlets.gov.uk/committee

Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: Friday, 27 July 2018
- The deadline for call-ins is: Friday, 3 August 2018

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

Public Engagement at Cabinet

The main focus of Cabinet is as a decision-making body. However there is an opportunity for the public to contribute through making submissions that specifically relate to the reports set out on the agenda.

Members of the public may make written submissions in any form (for example; Petitions, letters, written questions) to the Clerk to Cabinet (details on the front page) by 5 pm the day before the meeting.

LONDON BOROUGH OF TOWER HAMLETS

CABINET

WEDNESDAY, 25 JULY 2018

5.30 p.m.

1.	APOLOGIES FOR ABSENCE	Pages
	To receive any apologies for absence.	
2.	DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS	9 - 12
	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.	
3.	UNRESTRICTED MINUTES	13 - 20
	The unrestricted minutes of the Cabinet meeting held on Wednesday 27 June 2018 are presented for approval.	
4.	ANNOUNCEMENTS (IF ANY) FROM THE MAYOR	
5.	OVERVIEW & SCRUTINY COMMITTEE	
5 .1	Chair's Advice of Key Issues or Questions	
	Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to unrestricted business to be considered.	
5 .2	Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee	

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

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6 .1 Strategic Plan 2018/19 - 2020/21

21 - 58

Report Summary:

To approve the Council's Strategic Plan for 2018-19

Wards: All Wards Lead Member: Mayor

Corporate Priority: A transformed council, making best use of

resources and with an outward looking culture

6.2 The Tower Hamlets Plan 2018 - 23

59 - 88

Report Summary:

The Tower Hamlets Plan 2018-23 provides the Tower Hamlets Partnership's five year vision for the borough, setting out local aspirations, needs and priorities. It informs all other strategies and delivery plans of the partnership, including the council's Strategic Plan

Wards: All Wards Lead Member: Mayor

Corporate Priority: Creating and maintaining a vibrant, successful

place

6.3 Anti-idling designation in the London Borough of Tower Hamlets

89 - 104

Report Summary:

To make the Borough an 'anti-idling designated Borough' whereby powers to issue Fixed Penalty Notices are authorised under Road Traffic (Vehicles Emissions) Fixed Penalty (England) Regulations 2002 in relation to drivers who allow their vehicles to run unnecessarily

Wards: All Wards

Lead Member: Cabinet Member for Environment

Corporate Priority: Creating and maintaining a vibrant, successful

place

6.4 Supporting the Local Economy – Social Value Framework

105 - 124

Report Summary:

This report sets out a proposal for the introduction of a Social Value Framework for the Council. The Framework sets out how the Council's existing social value practices will be enhanced to maximise the benefits for local voluntary and community sector groups, residents and businesses.

Wards: All Wards

Lead Member: Cabinet Member for Resources and the Voluntary

Sector

Corporate Priority: A transformed council, making best use of

resources and with an outward looking culture

6.5 Local Council Tax Reduction Scheme

125 - 140

Report Summary:

To consider options for the council's Local Council Tax Reduction Scheme (LCTRS) for 2019/2020.

Each year the council has to consider whether to revise its Local Council Tax Reduction Scheme.

Any changes to the scheme are subject to a full public consultation in advance of Full Council consideration.

This report seeks Cabinet's views on scheme options for 2019/2020.

Wards: All Wards

Lead Member: Cabinet Member for Resources and the Voluntary

Sector

Corporate Priority: Creating opportunity by supporting aspiration and

tackling poverty

6 .6 Supporting the Local Economy - Proposed Criteria for Granting Business Rate Relief

Report Summary:

The new criteria and guidance has been developed based on feedback on the last review of charitable rate relief and the new reliefs brought in by the government. It is now proposed that a consultation exercise be carried out on the revised criteria and guidance and to then consider the feedback before finalising the criteria and guidance for implementation.

Wards: All Wards

Lead Member: Cabinet Member for Resources and the Voluntary

Sector

Corporate Priority: A transformed council, making best use of

resources and with an outward looking culture

6.7 Site at 20 Alton Street E14 6BZ

167 - 176

141 - 166

Report Summary:

The Mayor will be asked to agree to variations to the terms of the disposal of Council-owned land, from those agreed at cabinet in November 2017

Wards: Lansbury

Lead Member: Deputy Mayor and Cabinet Member for

Regeneration and Air Quality, Mayor

Corporate Priority: Creating and maintaining a vibrant, successful

place

6.8 Statement of Licensing Policy 2018-2023

177 - 384

Report Summary:

A review of the statement of Licensing Policy following public consultation. The purpose of the Statement of Licensing policy is to define how the responsibilities under the Act are going to be exercised and administered

Wards: All Wards

Lead Member: Cabinet Member for Environment

Corporate Priority: Creating and maintaining a vibrant, successful

place

6.9 Medium Term Financial Strategy Refresh & 2019-20 Budget Planning 385 - 398

Report Summary:

A Refresh of the Council's Outcomes Based Budgeting approach to prioritising resources over the Medium Term Financial Strategy from 2019-20 to 2021-22

Setting out issues and actions which inform the development of the Council's MTFS for 2019-2022 to include timescales and next steps.

Wards: All Wards

Lead Member: Cabinet Member for Resources and the Voluntary

Sector

Corporate Priority: A transformed council, making best use of

resources and with an outward looking culture

6 .10 Revenue and Capital Monitoring 2018-19 Quarter 1 - June 2018 399 - 438

Report Summary:

This report details the Quarter 1 (June 2018) monitoring position against the approved budget for the Revenue and Capital Spend, including the HRA, for the financial year end 2017/18.

It also includes information of the Council's progress against its saving targets and a number of general financial health indicators.

Wards: All Wards

Lead Member: Cabinet Member for Resources and the Voluntary

Sector

Corporate Priority: A transformed council, making best use of

resources and with an outward looking culture

7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

8. EXCLUSION OF THE PRESS AND PUBLIC

Should the Mayor in Cabinet consider it necessary, it is recommended that the following motion be adopted to allow consideration of any exempt/restricted documents.

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

EXEMPT/CONFIDENTIAL SECTION (PINK)

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

9. EXEMPT / CONFIDENTIAL MINUTES

The exempt / confidential minutes of the Cabinet meeting held on xxxxxx are presented for approval.

10. OVERVIEW & SCRUTINY COMMITTEE

10 .1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

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

10 .2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee

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

11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION

Nil items.

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

Next Meeting of the Committee:

Wednesday, 26 September 2018 at 5.30 p.m. in C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—
	(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(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.



Agenda Item 3 SECTION ONE (UNRESTRICTED)

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE CABINET

HELD AT 4.00 P.M. ON WEDNESDAY, 27 JUNE 2018

C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Mayor John Biggs

Councillor Sirajul Islam (Statutory Deputy Mayor and Cabinet Member for

Housing)

Councillor Rachel Blake (Deputy Mayor and Cabinet Member

Regeneration and Air Quality)

Councillor Asma Begum (Deputy Mayor and Cabinet Member for Community

Safety and Equalities)

(Cabinet Member for Culture, Arts and Brexit) Councillor Amina Ali

(Cabinet Member for Children, Schools and Young Councillor Danny Hassell

People)

Councillor Denise Jones (Cabinet Member for Adults, Health and Wellbeing) Councillor Candida Ronald

(Cabinet Member for Resources and the Voluntary

Sector)

Councillor Motin Uz-Zaman (Cabinet Member for Work and Economic Growth)

Other Councillors Present:

Councillor Peter Golds Councillor Zenith Rahman Councillor Abdal Ullah

Councillor Andrew Wood (Leader of the Conservative Group)

Apologies:

Councillor David Edgar (Cabinet Member for Environment)

Officers Present:

Stephen Bramah (Deputy Head of the Mayor's office) Zena Cooke (Corporate Director, Resources) **David Courcoux** (Head of the Mayor's Office)

Strategy & Business Development Manager Thorsten Dreyer

(Corporate Director, Governance and Monitoring Asmat Hussain

Officer)

Debbie Jones (Corporate Director, Children's)

Christine McInnes (Divisional Director, Education and Partnership,

Children's)

(Divisional Director, Finance, Procurement & Audit) Neville Murton Sam Nair

Principal Social Worker - Children with Disabilities

Team

Denise Radley (Corporate Director, Health, Adults & Community)

Judith St John (Divisional Director, Sports, Leisure and Culture)

Will Tuckley (Chief Executive)

Janet Fasan (Divisional Director, Legal)

Tom McCourt (Strategic Director)

Ann Sutcliffe (Acting Corporate Director, Place)

Joseph Lacey-Holland (Senior Strategy Policy & Performance Officer)
Susan Mulligan (Communications Advisor, Communications, Law

Probity & Governance)

Matthew Mannion (Committee Services Manager, Democratic

Services, Governance)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor David Edgar (Cabinet Member for Environment)

Apologies for lateness were received on behalf of:

- Councillor Motin Uz-Zaman (Cabinet Member for Work and Economic Growth)
- Councillor Abdal Ullah (Chair of the Overview and Scrutiny Committee)
- Will Tuckley (Chief Executive)

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Candida Ronald declared an interest in Agenda Item 6.4 (Isle of Dogs Neighbourhood Plan Examiner's Report) as she was a Member of the Isle of Dogs Neighbourhood Planning Forum. She did not consider the interest to be Pecuniary but she would nevertheless leave the room for the duration of that item.

3. UNRESTRICTED MINUTES

RESOLVED

1. That the unrestricted minutes of the Cabinet meeting held on Tuesday 27 March 2018 be approved and signed by the Chair as a correct record of proceedings.

4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR

The Mayor made a number of announcements including that:

- His manifesto from the recent elections was being formally adopted by the Council and the targets from the manifesto would be incorporated into the Strategic Plan which would be presented at the next Cabinet meeting.
- He introduced the new Cabinet and in particular welcomed Councillors Danny Hassell, Candida Ronald and Motin Uz-Zaman who were new to the Cabinet.

- Councillor Denise Jones had been appointed as his Older People's Champion to ensure older people had an identified voice in the Council. She would have a number of target areas to focus on including tackling loneliness and encouraging older people to be active amongst many others.
- Agreement had been reached with Greenwich Leisure Limited to ensure all their employees at Tower Hamlets leisure centres would be paid at least the London Living Wage backdated to April 2018.
- He encouraged everyone to attend the MELA which was due to take place on Sunday 1 July.

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, further announced that the 2017 exam results had now been verified and benchmarked and that they showed a continued year on year improvement. He congratulated the pupils, teachers, parents, schools and all those who supported education within the Borough.

Finally, Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing congratulated Tower Hamlets Homes' Communications team for their recent Communications Team of the Year award.

5. OVERVIEW & SCRUTINY COMMITTEE

5.1 Chair's Advice of Key Issues or Questions

The Chair of the Overview and Scrutiny Committee (OSC) advised Cabinet that there were a large number of questions from OSC in relation to Agenda Item 6.3 (Securing the future of early years services). However, due to the number of questions received it had been agreed that a response would be provided within a week of submission.

In addition Councillor Abdal Ullah, Chair of the Overview and Scrutiny Committee, provided Cabinet with an update on their recent meeting. He noted a number of issues including:

- Thanking the Mayor for attending the meeting and setting out his vision for the next few years.
- That OSC had discussed its role and how it could make the biggest impact – a number of ideas had been discussed including:
 - Looking at alternative meeting venues
 - Considering early issues for review such as affordable housing, Brexit and opportunities for young people.
- The Committee had also received a report specifically looking at ways of strengthening Scrutiny which had helped mould these discussions.

The **Mayor** thanked Councillor Abdal Ullah for his update and stated that he looked forward to a productive relationship with OSC.

5.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee

Nil items.

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6.1 Children's Services Improvement- Quarterly Progress Report (Quarter 4 17/18)

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, introduced the report. He reminded Members of the background to the report, updated the meeting on the recent OFSTED visit and explained that their next visit would be in August 2018 with a focus on areas such as permanency planning.

He welcomed the progress that was being made in Children's Services highlighting a number of improvements including; the new workforce strategy, improved training offer, the work with social workers on the restorative justice model and improved case management. He also noted challenges that remained including in recruitment and continued relationship building with the police.

The **Mayor** thanked Councillor Danny Hassell for his update and engagement and officers for their work to address these issues. He **agreed** the recommendations as set out.

RESOLVED

- 1. To endorse the progress made in delivering the children's services improvement programme.
- 2. To agree the next steps in the improvement journey which will be updated on in the next report.

6.2 Draft Waste Management Strategy and Future Service Delivery Options

The **Mayor** introduced the report on the draft waste management strategy. He explained that the strategy was to go out for consultation whilst at the same time the Council would be reviewing alternative in-house and external procurement options for the waste management contract.

The **Mayor** noted the challenges related to this issue, for example around recycling. He **agreed** the recommendations as set out.

RESOLVED

1. To note and consider the development of the Draft Waste Management Strategy 2018-2030

- 2. To approve the Draft Waste Management Strategy 2018 2030 for consultation between 2nd July 2018 and 30 September 2018.
- 3. To note that the results of that consultation will be reported to a future cabinet meeting, along with the final Waste Management Strategy for approval.
- To authorise the Acting Corporate Director of Place to commence procurement of an integrated waste, recycling and cleansing contract via competitive dialogue in September 2018 to be implemented for April 2020.
- 5. To authorise the Acting Corporate Director of Place to develop an "in house" service option for an integrated waste, recycling and cleansing service for future consideration and approval in September 2018
- 6. To note the Equalities Impact Assessment considerations as set out in Paragraph 4.1 of the report.

6.3 Securing the future of Early Years services - local authority day nurseries

The **Mayor agreed** the reasons for urgency as set out in the report, namely that:

"This report was published late as it was necessary to undertake further legal due diligence around the proposals. The report needs to be considered at this meeting due to the need to launch the consultation process on Thursday 28 June."

Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People, introduced the report. He highlighted the financial pressures on the Council and the need to ensure effective services were provided in an efficient and fair way. The imminent cut in funding for the current arrangements meant that a decision was required as soon as possible.

The **Mayor** then received a number of submissions to the meeting from parents, unions, Councillors and Head Teachers. A number of points were raised, including that:

- Concerns that places in these nurseries were more costly than other options and that these services could be provided more effectively elsewhere.
- There were large funding pressures on education as a whole.
- Falling numbers of children meant that there were vacancies at other nurseries.
- Why were the nurseries more expensive than other options and was that, for example, because they had been deliberately 'run down' or otherwise not supported to make the most of what they could offer.
- The need to ensure staff were properly consulted on any proposed changes.

• The difficulty in recruiting staff on fixed term contracts due to the uncertain future for the nurseries.

The **Mayor** thanked everyone for their contributions. He noted the Pre-Decision Scrutiny Questions and that officers would be providing responses to them. He noted that the report was asking for a consultation to take place in respect of the proposal to undertake a phased closure of the nurseries. He **agreed** the recommendations as set out.

RESOLVED

- 1. To note the proposal to undertake a phased closure of the council's three childcare day nurseries.
- 2. To agree that consultation take place in respect of the said proposal(s) and that the feedback of the said consultation to be brought back to the mayor for consideration.
- 3. To note what further actions will be undertaken to improve the availability of affordable and accessible childcare.

6.4 Isle of Dogs Neighbourhood Plan Examiner's Report and Council's Response (Regulation 25)

[Note – Councillor Candida Ronald left the room for the duration of this item.]

Councillor Rachel Blake, Cabinet Member for Regeneration and Air Quality, introduced the report. She thanked officers and the members of the Neighbourhood Planning Forum for their work on this Plan. It was regrettable that the Examiner had refused the proposed Plan. However, the Council would continue to support the idea of neighbourhood planning.

The **Mayor agreed** the recommendations as set out.

RESOLVED

- 1. To note the Isle of Dogs Neighbourhood Development Plan Report of Examination (Appendix 1) and the Examiner's recommendation that the draft Neighbourhood Plan does not meet the basic conditions stipulated by legislation and therefore should be refused and cannot proceed to referendum.
- 2. To agree with the Examiner's recommendations and therefore that the plan proposal be refused and not proceed to referendum.
- 3. To note that the Council will continue to provide support to the Isle of Dogs Neighbourhood Forum as they consider their next steps.
- 4. To note the specific equalities considerations as set out in section 8 of the report.

6.5 Provisional Outturn report 2017-18

Councillor Candida Ronald, Cabinet Member for Resources, introduced the budget monitoring report setting out the Council's financial position. She noted the main budget pressures especially in Children's and Adults Services and Health. Many of the planned savings had been achieved by the Council but a number were still in progress and overall it was a very challenging environment.

The **Mayor** welcomed the report, noted a number of points in discussion including on the need to improve returns on investments made. He welcomed the improved layout of the data in the report and **agreed** the recommendation as set out.

RESOLVED

1. To note the Council's provisional outturn position against Revenue and HRA budgets agreed for 2017-18, based on information as at the end of March as detailed in the Appendices to the report.

6.6 2017-18 year-end Strategic Performance Monitoring

The **Mayor** introduced the report on the Council's 2018-19 Strategic Performance. He **agreed** the recommendation as set out.

RESOLVED

1. To note the Strategic Plan actions and strategic performance measures (Appendix 1 to the report) year-end performance.

6.7 Contracts Forward Plan 2018/19 – Quarter One

Councillor Candida Ronald, Cabinet Member for Resources, introduced the report. She stated that Cabinet Members had considered the report and would like reports to be presented for information to the relevant Lead Members on the Enforcement Agents and Public Health Nursing contracts before final awarding of those contracts.

The **Mayor** accepted the requests and **agreed** that all other contracts could proceed to award as planned.

RESOLVED

- 1. To note the report.
- 2. That reports on the following contracts be provided to the Lead Members before final contract awards:
 - a. R5345 Enforcement Agents
 - b. HAC5356 0-5 Specialist Community Public Health Nursing
- 3. To confirm that the remaining contracts set out in Appendix 1 to the report may proceed to contract award after tender.
- 4. To authorise the Divisional Director, Legal Services to execute all necessary contract documents in respect of the awards of contracts referred to in recommendation 3 above.
- 5. To note the procurement forward plan 2018-22 schedule detailed in Appendix 2 of the report.
- 7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Nil items.

8. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

9. EXEMPT / CONFIDENTIAL MINUTES

Nil items.

- 10. OVERVIEW & SCRUTINY COMMITTEE
- 10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

Nil items.

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

Nil items.

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

Nil items. The meeting ended at 5.36 p.m.

MAYOR JOHN BIGGS

Agenda Item 6.1

Cabinet			
25 July 2018	TOWER HAMLETS		
Report of: Will Tuckley, Chief Executive	Classification: Unrestricted		
Strategic Plan 2018/19 – 2020/21			

Lead Member	Mayor John Biggs
Originating Officer(s)	Afazul Hoque: Head of Corporate Strategy & Policy
	Thorsten Dreyer: Head of Intelligence & Performance
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice	26 June 2018
Published	
Reason for Key Decision	Impact on Wards
Community Plan Theme	All

Executive Summary

This report presents the Council's Strategic Plan 2018/19- 2020/21 at appendix one for approval by the Mayor in Cabinet. It details the Council's priorities and outcomes that will be delivered over the next three years in the context of national, regional and local challenges. The plan reflects the ambitions of the administration arising out of discussions on the manifesto and has been revised following discussions with the Mayor and Cabinet Members.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. Formally adopt the Strategic Plan
- 2. Endorse the proposals for an improved outcome measure framework from 2019/20 onwards and the interim measures in the 2018/19 plan.

1. REASONS FOR THE DECISIONS

1.1 It is important that the Council sets out its key priorities and how it will measure progress against them.

2. ALTERNATIVE OPTIONS

- 2.1 In line with our budget setting the Strategic Plan is a rolling three year plan which is updated annually so that it accurately reflects the Council's priorities. The Mayor may choose not to progress the Strategic Plan. This course of action is not recommended as there would be significant planning gap: the Strategic Plan is a key element of the Council's business planning arrangements. It is important for the Council to articulate its priorities.
- 2.2 The Cabinet may choose to further amend the Strategic Plan. This would require further presentation to Cabinet at a later date, delaying the planning process and potentially the delivery of some actions. If the Plan is amended, regard would need to be given to the Council's medium term financial plan, as well as any impact arising from the changes.

3. DETAILS OF REPORT

- 3.1 The Strategic Plan is a central part of the Council's Performance Management and Accountability Framework and is the main strategic business planning document of the Council. It sets out the corporate priorities and outcomes, the high level activities that will be undertaken to deliver the outcomes, as well as the measures that will help us determine whether we are achieving the outcomes.
- 3.3 The plan covers a three year rolling period and contains an annually updated delivery plan. It is arranged around three priority areas and a set of corporate outcomes, which were agreed in draft as part of the budget setting process in January 2018. The outcomes have been subject to further refinement since then to reflect developments in relation to the administrations Manifesto.
- 3.4 The Plan is arranged around three priority areas:
 - 1. People are aspirational, independent and have equal access to opportunities;
 - 2. A borough that our residents are proud of and love to live in;
 - 3. A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough.
- 3.5 In order to support delivery of these over-arching priorities the Council will work towards delivering the following outcomes:

Priority 1 -People are aspirational, independent and have equal access to opportunities

- People access a range of education, training, and employment opportunities.
- Children and young people are protected so they get the best start in life and can realise their potential.
- People access joined-up services when they need them and feel healthier and more independent.

 Inequality is reduced and people feel that they fairly share the benefits from growth.

Priority 2 - A borough that our residents are proud of and love to live in

- People live in a borough that is clean and green.
- People live in good quality affordable homes and well-designed neighbourhoods.
- People feel safer in their neighbourhoods and anti-social behaviour is tackled.
- People feel they are part of a cohesive and vibrant community.

Priority 3 - A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough

- People say we are open and transparent putting residents at the heart of everything we do.
- People say we work together across boundaries in a strong and effective partnership to achieve the best outcomes for our residents.
- People say we continuously seek innovation and strive for excellence to embed a culture of sustainable improvement.
- 3.6 The development of the Strategic Plan commenced in January 2018 with the Mayor in Cabinet agreeing the draft priorities and outcomes. Over the period up to the end of April, the Strategy, Policy and Performance Division worked with Directorate Leadership Teams to develop actions and potential measures to track progress of delivering against the outcomes. This resulted in an initial plan presented to the Corporate Leadership Team at the end of April 2018.
- 3.7 Following the local election in May, a number of focused manifesto pledge review sessions have been undertaken and these have been used to inform the further development of the Strategic Plan. In parallel to updating actions and outcomes, officers continue to the review of the draft outcome measure set to ensure they are more closely aligned to the new refined corporate outcomes. This version before Cabinet contains a set of interim measures for the duration of the 2018/19 plan. The retention of some measures from the existing set of strategic measures ensures that there is baseline and trend data in place.
- 3.8 The Strategic Plan is a key link in the 'Golden Thread' and is being used to inform directorate, service and team planning. It also sets out how the Council will deliver the objective and priorities set out in the new Tower Hamlets Plan developed by the Tower Hamlets Strategic Partnership. During the year ahead, and for implementation from 2019/20 onwards, we will develop a more refined outcomes measure framework to ensure that we measure what really matters, we can measure impact, and we measure what we can control as a local authority. The first full performance report for 2018/19 will cover the period April to September and will be presented to Cabinet in the autumn.

3.13 Over the coming year, the Strategy, Policy and Performance division will work alongside the Finance division to develop a strategic outcomes-based accountability framework to underpin the Strategic Plan from 2019/20 onwards. This will result in a revised set of performance measures, which is much more closely linked on measuring impact (outcomes) rather than inputs or outputs.

4. **EQUALITIES IMPLICATIONS**

- 4.1 The Strategic Plan has been informed by the Borough Equality Assessment and subject to a Quality Assurance Checklist. The screening exercise has indicated that a full EA is not required as the Strategic Plan is focused on tackling inequality and fully exhibits due regard equality.
- 4.2 The Plan also includes the council's obligation to publish annual equality objectives as defined by the Public Sector Equality Duty.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 The Strategic Plan 2018/19-2020/21 is a core planning document and provides a framework for allocating and directing financial resources to priorities over the next three years.
- 5.2 In the event that, during the implementation of individual projects and schemes, financial implications arise outside the current budget provision, officers are obliged to seek the appropriate financial approval before further financial commitments are made. This report has no other financial implications.

6. LEGAL COMMENTS

- 6.1 The Strategic Plan specifies how the Council will prioritise delivery of its functions and thus ranges across the Council's statutory powers and duties. The proposed priorities are capable of being carried out lawfully and it will be for officers to ensure that this is the case.
- 6.2 Section 3 of the Local Government Act 1999 requires best value authorities, including the Council, to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". The development of a Strategic Plan, together with its delivery and subsequent monitoring will contribute to the way in which the best value duty can be fulfilled. Monitoring reports to members and actions arising from those reports will help to demonstrate that the Council has undertaken activity to satisfy the statutory duty.

In all aspects of the strategy there are clear implications for persons who have a protected characteristic for the purposes of the Equality Act 2010. Therefore, not only should an Equality Assessment occur (and potentially a number of them as parts of the strategy are implemented) but a clear strategy on an equalities consultation may be necessary whilst some of the decisions relating to the actions under the strategy are still at a formative stage. This is to ensure that the Council informs itself properly of the effects of the decisions on such persons. It will then be in a position to properly comply with the Equality Duties under that act.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

- Plan on a page (Appendix 1)
- Strategic Plan 2018/19 2020/2021 (Appendix 2)

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

NONE

Officer contact details for documents:

Afazul Hoque, Head of Strategy & Policy (Corporate), ext. 4636 Thorsten Dreyer, Head of Intelligence & Performance, ext. 2862



Working together with the community for a fairer, cleaner and safer borough

Tower Hamlets Strategic Plan 2018-21



Priority 1:

People are aspirational, independent and have equal access to opportunities

Priority 2:

A borough that our residents are proud of and love to live in

Priority 3:

A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough

Outcome we want to achieve

- People access a range of education, training, and employment opportunities
- Children and young people are protected so they get the best start in life and can realise their potential
- People access joined-up services when they need them and feel healthier and more independent
- Inequality is reduced and people feel that they fairly share the benefits from growth

Outcome we want to achieve

- People live in a borough that is clean and green
- People live in good quality affordable homes and welldesigned neighbourhoods
- People feel safer in their neighbourhoods and antisocial behaviour is tackled
- People feel they are part of a cohesive and vibrant community

Outcome we want to achieve

- People say we are open and transparent putting residents at the heart of everything we do
- People say we work together across boundaries in a strong and effective partnership to achieve the best outcomes for our residents
- People say we continuously seek innovation and strive for excellence to embed a culture of sustainable improvement

What we will deliver*

- Support residents into work
- evelop a growth strategy and local economy
- Work to improve education attainment
- Redesign services for children and young people to
- ensure they access right services
- Peliver robust and proactive response to exploitation of children
- Develop a social work academy
- Further develop integration of health and social care
- Prevent and tackle social isolation
- Empower adult social care users and their cares to remain independent
- Address health issues in children and young people
- Support residents impacted by Universal Credit
- Provide adult learning and employment skills support to those furthest from labour market

What we will deliver*

- Develop a Transport Strategy
- Deliver a range of air quality improvements
- Deliver improvements to public realm including waste and recycling
- Deliver more affordable housing
- Improve quality and management of social and private housing
- Deliver key regeneration programmes
- Tackle youth violence and violence against women and girls
- Extend reach of Rapid Response Team to those at risk of gang involvement
- Tackle crime and Anti-Social Behaviour
- Tackle hate crime and extremism
- Develop a strategic approach to cohesion
- Support refugee and migrant communities

What we will deliver*

- Redesign our approach to customer services
- Support residents to engage with the council
- Skill up Councillors to enable them to effectively undertake their duties
- Work with Tower Hamlets Strategic Partnership to deliver key outcomes
- Deliver Community Hub Programme
- Deliver integrated care through Tower Hamlets Together Partnership
- Undertake further work to become an Outcome Based Organisation
- Develop a diverse and skilled workforce
- Deliver a range of improvements to council services
- Develop the medium-term financial strategy

*These are a summary of our actions please see the full Strategic Plan for the list of all our actions

We will achieve these outcomes by focussing on:

- Prevention and early intervention
- Tackling the underlying factors of poverty and inequalities
- Building strong and resilient communities where people are empowered to help themselves and support each other
- Achieving the best outcomes for the investments we make
- Having a strong customer focus
- Working with our partners through the Tower Hamlets Partnership
- Continuing to transform our services so that they are fit for purpose

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Tower Hamlets Strategic Plan 2018-21

Working together with the community for a fairer, cleaner and safer borough





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Foreword John Biggs, Mayor

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Working together with the community for a fairer, cleaner and safer borough

Tower Hamlets is the greatest place to live in London. We are a vibrant and diverse borough with a rich history. This Strategic Plan sets out our vision for how we will build on these strong foundations and channel the dynamism and vibrancy at the heart of the East End as we shape our future.

This plan sets out my key strategic priorities as Mayor and a vision for the kind of borough we want to be - working together to build a fairer, cleaner and safer borough. We cannot achieve everything we want alone, that's why the council will work closely with our partners to meet these challenges and help in a targeted way to the most vulnerable and provide world class universal public services to all our residents.

Cleaning up our streets, cleaning up our air

Residents want to be proud of their local area. That's why over the past three years we've made cleaning up the borough a priority, keeping our streets clear of litter and introducing schemes like my Neighbourhood Refresh working with residents to make our streets safer and greener. In this plan we commit to new measures to increase our recycling rate, which both saves money in the long run and is better for the environment. as well as tackling our poor air quality and making the borough more accessible for pedestrians and cyclists.

Air quality cuts across borough boundaries, and this means working with other London boroughs and lobbying Government to get to grips with this. It means investing in cleaner technology but also behaviour change which is not something we can do alone, we have to work with others and persuade people to change. Despite cuts we are investing £13 million to improve our award-winning parks and open spaces as we know how valuable these are to local people.

Making Tower Hamlets safer

Everyone has the right to feel safe and secure where they live and across the borough. That's why supporting the police to tackle crime and anti-social behaviour remains one of our top priorities. I'm committed to making our streets safer by using the council's resources to support the police locally and continuing to campaign against Government reductions in police funding which are putting public safety at risk.

The council currently provides funding for additional police officers, as I know residents want the reassurance of seeing police on the beat. We cannot replace every officer that has been lost as a result of Government cuts. but we will do our best, continuing to work closely with the police and other partners to tackle drug dealing and anti-social behaviour. I know that crime and fear of crime has a real impact on people's lives, and we will work tirelessly to tackle this.



Putting young people and families at the heart of everything we do

Om young people are our future ar want every child in Tower Hamlets to have the best start in life. We will continue to ensure children are protected and supported, and we will invest in our schools, children's centres and nurseries as well as continuing to provide free school meals. The borough has outstanding schools and we will continue to work with the Tower Hamlets Education Partnership to develop that excellence and protect them from further Government cuts.



Tackling the housing crisis

A home is at the centre of people's lives and we are taking steps on every front to tackle the housing crisis which affects the whole capital. We are well on our way to delivering 1,000 new council homes with a further 1.000 in the pipeline. One of my first acts as Mayor was to establish a Housing Affordability Commission which led to us reducing rents in new council homes to genuinely affordable social rents - something we will continue in our new council homes.

We will also work with housing associations and developers to ensure we build on our strong record which saw Tower Hamlets delivering the most affordable

homes in the country, and we will continue to ensure that appropriate infrastructure spending is invested where there is development, driving regeneration across the borough so everyone feels the benefit.

Our landlord licencing scheme and Renter's Charter is driving up standards in the private rented sector and we will seek to expand this. We continue to campaign for the Government to do its bit to tackle the housing crisis and give us the powers necessary to allow us to do more.

Reducing Poverty and Inequality

Tower Hamlets is the fastest growing place in the country but not everyone feels the benefits of that growth or the opportunities it brings. Supporting people into work and training is vital to helping residents take advantages of those opportunities. Our WorkPath scheme in its first year supported over 5,000 residents into training or work including targeted support for the over 50s, young people through Young WorkPath, and

groups who traditionally have found it harder to get a job such as BMF women.

We pay the London Living Wage to our staff and encourage employers in the borough to do the same, so people get a decent day's pay for work.

Tackling poverty should be at the heart of everything we do that's why on top of our multimillion pound Tackling Poverty Fund, this Strategic Plan includes many new measures to help those struggling most.

Improving Health

Our NHS is 70 this year and we work with our committed local NHS providers to prioritise tackling health inequalities, mental health and invest in our health infrastructure. We will also have a focus on supporting older people to live independently and healthy lives, and tackling loneliness.



Building one community

One of Tower Hamlets' greatest strengths is the diversity of our community. We have a proud history of standing up for each other as one community and celebrating our differences. Our mest recent resident survey found that 86% of residents think people get on well together; however we remain vigilant against those who wish to divide us. The council's No Place for Hate Champions work with all our communities, and as Mayor I am committed to standing up to all forms of intolerance.



Being on your side

The residents survey showed us that over two thirds of residents felt we were doing a better job than a year ago which is encouraging but we can go even further. We need to continue this improvement. We will stand up for our community against Government cuts to funding which are hitting hard in Tower Hamlets. We will work with our MPs and the GLA to make the case for what our borough needs to thrive. Despite the scale of the cuts to our budget we have protected the frontline services that matter to residents. but have had to do more for less and change the ways we work to



make our services more efficient. We need to make the case that we are the engine room of the London economy and this growth needs proper investment to make it sustainable.

Our journey to being a fairer, cleaner and safer borough

The borough has come a long way in the last three years, we are more outward looking and have had to change the way we do things, so that despite funding cuts we not only protect frontline services but also continue to modernise and improve them. We are a growing borough, more people



are choosing to live here and we remain a hub of economic growth. This is a vote of confidence and it brings many benefits, but also challenges and these benefits have not always been shared equally.

This vision sets out how we keep Tower Hamlets the most exciting place in the world and making it work for everyone who lives here.



Introduction Weill Tuckley, Chief Executive

This Strategic Plan sets out how the council will deliver the priorities of the new Mayoral administration and how we will continue to progress our long term ambitions for the Borough.

A Plan for Improvement

The council's activities are focussed around three priority areas. These recognise the challenges faced by many in our communities and seek to ensure that there is greater independence and equality for all, better access to opportunities, and that the borough is an attractive place where people love to live.

To ensure that we make the most effective use of resources the council has been changing the way in which it operates and how it is structured. This transformation programme is already helping us to ensure that council services continue to improve and deliver best value, and we will continue to develop and consolidate this work over the coming months, establishing a Transformation and Improvement Board to maintain the focus and pace of change in key areas.

Making Good Progress

The council has made significant progress in relation to the Ministry of Housing, Communities and Local Government's intervention requirements and we are hopeful that the remaining reporting arrangements can be lifted soon. We have taken swift action to address the inadequacies identified by Ofsted in Children's Social Care, and the inspectors are 'encouraged' by our progress to date. We will continue to work hard with our staff, partners and service users to meet the ambition of moving to a 'good' assessment by spring of 2019.

To further support our improvement drive we invited a team of peers from the Local Government Association to review our approach and will be implementing their suggested actions. This included increasing the pace of transforming the council and improving the culture of the organisation to make sure we are more outward facing. We are making good progress in the development of the new Town Hall which will further support our drive to be an organisation that is fit for the borough into the future.

Working Collaboratively

Our transformation programme will help us to ensure that we can make the best use of limited resources, but budget constraints mean that we cannot deliver everything. We will work to further develop our relationship with key partners, stakeholders and with staff to make the best use of scarce public resources and become more than the sum of our parts.

A refreshed Tower Hamlets Plan will guide our actions to work in a more innovative and collaborative way with our partners. With social value and impacts in mind we will seek to commission services locally when other organisations are in a better position to provide and where the best outcomes for the community can be ensured.

Our Service Priorities for 2018-19

Safer Communities & Anti-Social Behaviour (ASB)

The Mayor and council continue to work closely with and support the police to understand local challenges and co-ordinate actions to tackle crime and ASB. Progress has been made but we recognise that more needs to be done to address current issues such as vouth violence and knife crime. As well as the Mayor's investment in additional police officers the council has been reviewing its own enforcement services and has been trialling different approaches tomommunity safety in parts of the bough. We will bring this work together and define the future approach to crime and ASB, with the oversight of a high level Crime & ASB working group.

Housing & Capital Delivery

Last year, more affordable homes were built in Tower Hamlets than anywhere else in the country, yet the lack of affordable housing was the number one concern for our residents. There will be more new council homes. The council will continue to seek to ensure that as many affordable homes as possible are included in new development schemes, and that all schemes deliver good design and liveability. The Neighbourhood Refresh scheme is a driver for improvements to infrastructure and the public realm, including highways and parks, and this work will continue with a stronger collaborative area based approach.

Better Local Environment & Cleaner Streets

We will continue to deliver the actions set out in our Air Quality Action Plan, tackling local sources of pollution and working with partners and external organisations to make progress at pace. We will continue to seek ways to further improve our waste and recycling performance including developing a new strategic approach ahead of action to procure future waste

and recycling services to run from when the current contract expires.

Work & Greater Prosperity

Following the launch of Workpath we are supporting more people into training to gain the skills they need to access local jobs. We will build on this success through greater development of our partnership with schools, Tower Hamlets College and other education providers, working with others on initiatives to encourage and support our young residents to pursue their aspirations.

A Refreshed Approach to Regeneration

Our new Local Plan sets out the framework for local development and infrastructure for the years to come. Alongside this key document the council will develop a refreshed approach for regeneration, drawing together key service strands and investment programmes to maximise the potential for regeneration within a clear and focussed set of priorities.



Conclusion

Tower Hamlets is a wonderful and dynamic place in which to live but significant challenges exist for some people. Our strategic plan approach seeks to ensure that everything we do is directly linked to achieving the best possible outcomes. I look forward to working with colleagues in delivering this challenging, but at the same time rewarding, programme for the year to come.

About Tower Hamlets

POPULATION

304,900 people live in **Tower Hamlets**



One of fastest growing populations in England: expected to reach



Q **47**% of residents are aged 20-39 - the highest percentage in the UK



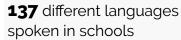
Home to the **largest Bangladeshi** population in the country who comprise 1 in 3 residents

4 in 10 residents were born outside the UK



EDUCATION

65% of pupils achieve passes in Maths/English at level 9_4 (broadly equivalent to the previous 5 GCSEs at grades A* - C measure)





1 in 2 adults hold higher level qualifications



ECONOMY

3rd largest economy in UK



16.800 businesses and **278,000** jobs



Borough expected to gain **110,000** more jobs by **2026** - 30 new jobs per day

HOUSING

Average house price is **double** the national average (£498,598 vs. £240,860).



4 in 10 homes are now privately rented



TRANSPORT

Well connected -31 stations and 46 bus routes



53.3km of cycle networks



Over **200,000** commuters travel into the borough every day



PLACE & CULTURE

Over 200 parks and open spaces



22 art galleries and 6 museums



Over 1,000 listed buildings and **58** conservation areas



3 city farms



WELLBEING

8 in 10 residents have good or very good health



Key Challenges

POVERTY AND WORKLESSNESS

10th most deprived local authority in England



4 in 10 households live below the poverty line



15% of households have non adult employment



Around 1 in 5 residents em below the London Living Wage



CRIME

Crime is up - 32,233 **crimes** reported in 2017-18



756 racist and religious hate crimes - 2nd highest in London



HOUSING

3 in 10 households rely on housing benefit to pay their rent



18,726 on housing waiting list - 2nd highest in London



35,110 additional homes are needed by 2029



HEALTH AND SOCIAL CARE

2,769 Children in need



43% of year 6 children overweight or obese



Lowest disability-free **life** expectancy rates in London (56.9 men; 56.4 women)



Highest rate of social care need among older residents in England: 12,235 users per 100,000 population





ENVIRONMENT

3rd highest CO2 emitter in London



Only 27% of household waste is recycled



What our residents think

Key points from ARS 2018) - positive and negative points



The borough profile brings together a wide range of facts and figures about Tower Hamlets and its population. The profile provides further insight about needs across the population and outlines the current and future challenges for the borough. The borough profile is on our website: https://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/borough_statistics.aspx

Our priorities and outcomes



Priority 1:

People are aspirational, independent and have equal access to opportunities

- Reople access a range of education, training, and employment opportunities
- Children and young people are protected so they get the best start in life and can realise their potential
- People access joined-up services when they need them and feel healthier and more independent
- Inequality is reduced and people feel that they fairly share the benefits from growth



Priority 2:

A borough that our residents are proud of and love to live in

- People live in a borough that is clean and green
- People live in good quality affordable homes and welldesigned neighbourhoods
- People feel safer in their neighbourhoods and anti-social behaviour is tackled
- People feel they are part of a cohesive and vibrant community



Priority 3:

A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough

- People say we are open and transparent putting residents at the heart of everything we do
- People say we work together across boundaries in a strong and effective partnership to achieve the best outcomes for our residents
- People say we continuously seek innovation and strive for excellence to embed a culture of sustainable improvement

We will achieve these outcomes by focussing on:

- Prevention and early intervention
- Tackling the underlying factors of poverty and inequalities
- Building strong and resilient communities where people are empowered to help themselves and support each other
- Achieving the best outcomes for the investments we make
- Having a strong customer focus
- Working with our partners through the Tower Hamlets Partnership
- Continuing to transform our services so that they are fit for purpose

Working in partnership

The Tower Hamlets Partnership brings together statutory, business, voluntary sector and the local community together to improve the lives of all those that live, work and study in the borough. The Tower Hamlets Plan 2018-2023 sets out the priorities the partnership will collectively address to improve outcomes for local people. The Strategic Plan outlines the council's contribution to delivering partnership priorities a well those set by the Mayor through his manifesto.

O These Plans have been made utilising evidence from a range of sources including:

- Borough Profile Data about local people and their needs
- Engagement with local people and stakeholders
- Review of national and regional policy context
- Ambitions set out in the Mayor's Manifesto

The Council, working in partnership to deliver for its citizens

Tower Hamlets Plan 2018-2023

A strategic partnership plan setting out the vision and priorities for the borough over the next 5 years.





The Council's Strategic Plan 2018-2021

Identifies the Council's priorities and outcomes it wants to deliver and the actions it will take and how it will be able to measure the impact on local community.

Key outcome focussed strategies & business plans

These set out how priorities will be delivered through linking activities to resources and outcomes.





Delivery Plan/Team Plans/Individual Objectives

Operational objectives and initiatives for teams/services/staff linking how it contributes to borough and corporate priorities.



Priority 1:

People are aspirational, independent and have equal access to opportunities

We want to ensure that our residents can achieve their aspirations and gain from the benefits of living in a borough that is economically vibrant, resilient and diverse. Tower Hamlets has the third largest economic output in the country and some of the best schools too, but despite these positive factors many of our residents, and particularly young people, find it very difficult to access good quality jobs in

the borough. With the successful launch of Workpath we are helping more people to develop their skills and knowledge but we will be doing more to support residents into decent employment.

We will work hard to ensure that our children and young people get the best start in life, grow up in a safe environment, free from harm, and that that everyone that needs it is supported to achieve

better outcomes for themselves. their family and community. We have already made significant improvements in our safeguarding arrangements and will continue to strive to ensure that this focus on improvement continues.

Our roads and routes to school are being improved with safety in mind and we are implementing plans to improve the air that we all breathe. Through effective targeted early intervention we will support our most vulnerable residents to flourish, progress and tackle inequality they face. At the same time we will provide excellent services to all our residents.

We have identified four overarching outcomes under Priority 1 that the council's actions for the coming year are focussed on achieving and these are described in more detail in the section that follows.



People access a range obeducation, training, and employment **opportunities**

We want a thriving local economy and for our residents to be enabled to benefit from the unprecedented business growth in the borough. We will support local entrepreneurs and establish a Commission to examine what actions can be taken to support and enhance the local economy throughout the Brexit process and beyond. We will work with our partners to remove barriers to employment, providing

excellent education, training and job brokerage, supporting 5,000 residents into employment through the WorkPath service.

With the Tower Hamlets Education Partnership we will continue to further improve educational attainment and outcomes, and to strengthen soft skills and the post 16 offer for those entering sixth forms, colleges or apprenticeships.

We will work with businesses to generate work placements, supporting them to create 1,000 apprenticeship opportunities, opening pathways into sustainable employment at or above the London Living wage. We will ensure that local childcare provision is better matched to the needs of families by supporting actions to provide additional services, with the aim of ensuring that sufficient childcare and early education spaces are provided where they are needed.

What action will we take?

We will:

- 1. Deliver a range of ESOL, basic skills, apprenticeship and employment initiatives across the borough to help residents into work, including those from disadvantaged groups, and to our most vulnerable groups for whom we have a statutory responsibility
- 2. Develop and deliver the Growth Strategy including a programme of support for local businesses
- 3. Implement a programme of improvement initiatives to High Streets and Town Centres, including the roll out of Wifi
- 4. Work with partners to improve educational attainment and progress for our children and young people
- 5. Ensure that there are sufficient childcare and early education spaces provided in Tower Hamlets

- Proportion of pupils attending school regularly (termly)
- Percentage of 16 to 19 year olds who are not in employment, education or training (quarterly)
- Number of businesses supported through council business development activities (quarterly)
- Residents supported into work by the council's WorkPath partnership provision (quarterly)



Children and young people are protected so they get the best start in liß and can realise their p@tential

We want children and young people to be able to live in a safe environment, ensuring the best health and developmental outcomes. We are on a journey of improvement in our Children's Social Care Services and despite making significant progress we are not complacent about the challenge ahead. We will continue to prioritise early intervention and prevention through our work



on early help, ensuring effective safeguarding and tackling inequality. We will support the recruitment and development of highly skilled workers to support our children, young people and their families. Thousands of our young residents (aged 12-19) will continue to have free access to activities, including sport, games, arts, music, at state of the art facilities including our youth hubs.

What action will we take?

We will:

- 1. Redesign services to ensure children and young people can access the right services at the right time to seek to prevent their needs escalating
- 2. Improve our engagement with children and young people so they feel empowered and included in decision making
- 3. Work with partners to formulate a robust and proactive response to all forms of exploitation of children in Tower Hamlets
- 4. Develop a social work academy, incorporating our new model of social work, to ensure we have a strong, sufficient and effective workforce

- % of Single Assessments completed within 45 working days (quarterly)
- Average time between a child entering care and moving in with adoptive family (quarterly)
- % of children receiving child protection visit within the past four weeks (quarterly)
- % of child protection reviews carried out within statutory timescales (quarterly)
- % of children in need visited within the last four weeks (quarterly)
- % of care leavers in Employment, Education or Training (quarterly)
- % of youth service users who attend regularly (quarterly)
- The number of individual children and adults reached by the council's children's centres (quarterly)

People access joined-up services when they need them and feel healthier and more independent

Good health is important for wellbeing but we know that our population experiences some of the lowest healthy life expectancy in the country. Childhood obesity levels in Tower Hamlets are significantly higher than national levals, and there is evidence of weespread nutritional deficiencies. Obesity in adulthood is also prevalent as are conditions such as cancer, circulatory and respiratory disease.

Risky behaviours such as illegal drug use also impact on health and longevity. There are relatively high numbers of residents with a learning disability or with a serious mental health condition. The older population of the borough is relatively small but growing, and we expect demand for social care to increase in future. We want to address the wider determinants of physical and mental health to prevent health issues from occurring. When they do occur,

we want to intervene at an early stage and empower people to be as independent as possible. To this end we will promote healthy lifestyles and work to ensure that when people do require care and support, it is readily accessible, of the highest possible standard and personalised to meet individual need. We will work closely with partners in the local NHS through the Tower Hamlets Together (THT) partnership to integrate adult social care, children's social care and health services to offer more holistic and effective care to residents and to give people greater control over their daily lives and the services they access.

Sporting and cultural activities are also a key to health and wellbeing across all ages and communities and the council will aim to deliver and facilitate programmes and events in good quality, accessible facilities.

What action will we take?

We will:

- 1. Empower adults social care users and carers by enabling them to exercise greater control over their care and support
- 2. Further develop the integration of health and social care services and pathways to ensure that people are cared for in the most appropriate setting
- 3. Support carers to stay healthy and have a life outside caring, preventing unpaid care from breaking down
- 4. Prevent and tackle loneliness and social isolation
- 5. Drive innovation and promote independence by utilising technology to support vulnerable adults and carers
- 6. Reduce levels of poor nutrition, overweight, obesity and dental caries in children and young people
- 7. Improve our sport, cultural and recreational offer to residents

- % of service users and carers receiving a Direct Payment (quarterly)
- Increase in the number of carer assessments being carried out (quarterly)
- Increase in the number of residents being supported through Assistive Technology (quarterly)
- Permanent admissions to residential and nursing care homes (65+) per 100,000 population (quarterly)
- Number of patients that attended the NHS Health Checks during the year in the 50-74 age range (quarterly)



Inequality is reduced and people feel that they fairly share the benefits from growth

Waswant our residents to have opportunities and the support they need to be free from poverty and to enjoy the benefits of a prosperous borough. In Tower Hamlets the greatest inequalities are experienced by people in terms of their health, employment and housing. Poverty is often the underlying challenge and close to a third of children are living in families below the poverty line the highest rate nationally and well above the London average. But

people also experience systemic inequalities, needing support to improve their household income and to overcome barriers to having better health, career opportunities and decent housing.

The number of people claiming in work benefits has increased and Welfare Reform is estimated to affect over 40,000 (45 per cent) of all working age households in the borough.[1] Through our Tackling Poverty Fund we will continue to protect those residents struggling to make ends meet and provide more support for schemes to help residents out of poverty and into employment.

The benefit cap has made it very difficult for workless households to be able to find or maintain affordable accommodation within the borough. We will strive to improve access to affordable housing for residents through our actions to further increase the number of homes. Our adult learning and employment skills offer will include targeted provision for those furthest from the labour market, providing support towards decent employment for those in most need.

What action will we take?

We will:

- 1. Launch our in-house advice and support service for households moving to Universal Credit to help them manage the transition more effectively
- 2. Run an awareness and engagement campaign for Universal Credit prior to its introduction in relevant postcodes and liaise directly with Department of Work and Pensions on complex cases
- 3. Use our planning powers to secure affordable and accessible housing within new developments
- 4. Develop a broad adult learning and employment skills offer, including targeted provision for those furthest from the labour market
- 5. Deliver the second phase of the Somali Task Force, including the establishment of a community hub with a Somali focus, and deliver a Somali graduate programme

- Women supported into work by the council's WorkPath provision (quarterly)
- Residents from BAME backgrounds supported into work by the council's WorkPath provision (quarterly)
- Percentage of Idea Store Learning adult learners who come from the most deprived postcode areas (termly)
- Affordable housing percentage secured at planning permission stage from all developments meeting the thresholds for providing affordable housing (quarterly)



Prioirty 2:

A borough that our residents are proud of and love to live in

We want Tower Hamlets to be a place where everyone can prosper, live safely and lead a healthier life. The lack of availability of affordable homes is the top concern of our residents. The delivery of new and refurbished good quality affordable housing is essential if we are to continue to provide opportunities for households, and in particular those in high priority need, to have a decent home in which to live

and thrive. We are determined to build on our strong track record of delivering large numbers of affordable homes for local people, meeting the needs of our growing population through investment and careful planning, and creating 1,000 new council homes over the next four years.

We know that crime and antisocial behaviour (ASB) remains a key concern of residents and that recently some types of crime have been rising. Council funding has been made available to provide additional local policing resources. We have been trialling new approaches to community safety and there have been some successes, including in tackling drug related crime, but we recognise that yet more needs to be done. Our enforcement services are a key element in tackling ASB and we will be making the coordination of this council provision with the activities of our partners a high priority, so as to ensure that we are more effective. in dealing with crime and ASB across the borough.

The Neighbourhood Refresh initiative is an area based approach to improving the environment in which we live. We will build on this approach and develop our capacity to deliver improvements such as parks refurbishments, highways infrastructure and new green and public spaces.

We will also review our approaches to waste management and recycling, making services much more responsive and increasing the proportion of material that is recycled. There will be a new vision for regeneration further ensuring that our services and activities are co-ordinated and focussed around the principles of our Local Plan, the ambitions of our Tower Hamlets Plan and the strategic outcomes for our borough residents.

We have identified four overarching outcomes under Priority 2 that the council's actions for the coming year are focussed on achieving, and these are described in more detail in the section that follows

People live in a borough that is clean and green

We want residents to enjoy a good quality of life in an environment that has a positive influence on everyone's health and wellbeing. To achieve this we must take further strides to improve air quality, reduce carbon emissions, tackle fuel poverty and become a more environmentally sustainable and attractive borough. Poor air quality causes 9,500 early deaths in London every year. In our boundaries boundaries boundaries boundaries boundaries boundaries but being boundaries b affected by traffic fumes and construction. We are committed to improving local air quality by implementing the actions set out in our Air Quality Action Plan.

A new Transport Strategy for the borough will improve transport options and reducing the impacts of traffic on our residents, making our borough one of the best in London for walking or cycling. Through our planning policy we will work to ensure major developments progress towards achieving zero carbon status, and

the council's assets and housing stock is being made ever more energy efficient.

We want the borough to be clean and attractive place but litter, fly tipping and graffiti on our streets has a detrimental impact on life for residents and visitors. We will tackle these through more efficient and effective services, backed up with investment and enforcement when necessary.

We are committed to improving our recycling rates over the next four years and want to reduce the overall amount of waste produced, at the same time ensuring convenience and value for money in the way that our waste is collected and managed. A new strategic approach for waste management will boost recycling of waste from all sources, including on housing estates, and we will work to achieve zero waste for the borough's markets.

We are committed to protecting and maintaining our parks and open spaces and the council will continue to invest in the public realm to create attractive. liveable. well-maintained neighbourhoods.

What action will we take?

We will:

- 1. Identify ways to reduce the carbon footprint and emissions from our activities
- 2. Develop a new Transport Strategy for the borough and make our borough one of the best in London to walk or cycle in, improving road safety and delivering a new parking policy.
- 3. Implement a range of air quality improvements (including transport technology improvements and the Zero Emissions Network)
- 4. Deliver a programme of cleanliness, waste and recycling improvements throughout the borough
- 5. Improve our public realm including our parks, other open spaces, so that they are more attractive and better used

- % of household waste sent for reuse, recycling and composting (auarterly)
- Level of street and environmental cleanliness: litter (twice per year)
- % of residents who rates parks and open spaces as good, very good or excellent (annual)



People live in good quality affordable homes and well-designed neighbourhoods

We want the borough to be a place where people are proud to live and enjoy their lives. Accessing good quality, affordable housing is an ongoing challenge in a borough which has a fast growing population, low income levels for many households and a fast growing private rented sector with high private rents and house prices. Maximising the delivery of affordable homes and improving the quality and management across all housing tenures is therefore paramount.

We will continue to increase the supply and delivery of affordable homes by building new council housing, supporting the delivery of new housing at affordable rent levels by registered providers, and maximising the number of affordable homes secured through the planning process. We will continue to drive up the quality of housing across all tenures, including the private sector, through increased licensing and enforcement, and will improve standards across social housing through stronger management.

We will refresh our approach to Regeneration, including environmental improvements, across the borough; continuing our programme of estate regeneration and delivering the Better Neighbourhoods Programme, so that growth across the borough is coordinated and shaped in such a way that everyone shares the benefits.

What action will we take?

We will:

- Increase the supply and delivery of all types of affordable homes, including new council housing, bringing empty properties back into use and making the most effective use of the existing stock
- 2. Improve the quality and management of social and private housing in the borough through delivering the Better Neighbourhood Programme, supporting housing associations in managing their stock and extending use of licensing and enforcement in the private sector
- 3. Deliver a programme of regeneration on the Ocean Estate, Blackwall Reach, Chrisp Street and Poplar Riverside
- 4. Manage housing infrastructure pressures through a new Local Plan

- Number of affordable homes delivered (quarterly)
- Lettings to overcrowded households (quarterly)
- Number of households who considered themselves homeless, who approached the local authority's housing advice service(s), and for whom housing advice casework intervention resolved their situation (quarterly)
- Number of households living in temporary accommodation (quarterly)
- % of residents who are very/fairly satisfied with the area as a place to live (annual)

People feel safer in their neighbourhoods and anti-social behaviour is tackled

We want to ensure that residents feel safe in their homes and in the streets of Tower Hamlets. Through the Community Safety Partnership (CSP), we will work closely with the police and other partners to deliver initiatives and actions which improve safety in the borough. The CSP Plan sets out how we will address four key challenges - Anti Sogal Behaviour (including drugs & cohol), Violence, Reducing Recoffending and Hate Crime, Community Cohesion & Extremism.

ASB and drug use remain areas of top concern for residents and our response to these problems includes improving reporting arrangements, enforcement action to reduce graffiti, littering, noise nuisance and street drinking, clearer treatment pathways for those with an addiction, and better support for victims. We will target and support offenders to stop re-offending, and take enforcement action against those

who refuse our help, working with communities to involve them in solutions.

A Member-led Serious Violent Crime Taskforce will be set up to engage all stakeholders in the fight against serious violent crime, and we will expand the reach of our Rapid Response Service to engage residents aged 18-24 who are at risk of gang involvement.

Whilst many of our residents agree that people from different backgrounds get on well together, the borough has seen increases in levels of hate crime in particular racist and religiously motivated hate crimes over the last two years. Our work to promote cohesion, such as the No Place for Hate campaign, will continue and we will provide support and protection for victims, including the publication of a Violence Against Women & Girls (VAWG) Charter.

What action will we take?

We will:

- 1. Work with partners to tackle all violence including serious youth violence and violence against women and girls
- 2. Provide support and protection for victims
- 3. Publish a VAWG Charter setting out the rights of victims and the local support available
- 4. Extend the reach of our Rapid Response Service to better engage with those at risk of involvement in gang related violent crime.
- 5. Work with partners and the community to tackle crime and anti-social behaviour associated with the illegal supply of drugs and the misuse of alcohol, including treatment for those with an addiction
- 6. Work with partners to reduce re-offending, focussing particularly on offences that have a big impact on the communities' feelings of safety and security
- 7. Work with partners to address hate crime, tackle extremism and promote community cohesion in the borough

- Level of street and environmental cleanliness: graffiti (twice per year)
- Proven re-offending by young people % of cohort that reoffends (quarterly)
- % of ASB investigations closed which have resulted in a positive outcome (quarterly)
- % of victims of violent crime, including hate crime, who were satisfied with the victim support they received (quarterly)
- Number of individuals causing drug / alcohol related crime or ASB required to engage in structured treatment programmes via criminal or civil orders (quarterly)



People feel they are part of a cohesive and viBrant community

Our diversity is a source of great strength and something to be celebrated and nurtured, but it also presents us with challenges. Whilst 86% of residents say that people from different backgrounds get on well together, people have also told us that different communities in the borough lead 'parallel lives'. There is a growing focus on social integration both nationally and regionally; the Government released its Integrated Community Strategy Green Paper and the Mayor of London released its

own social integration strategy for London in March this year.

We welcome this and will be developing our local approach to community cohesion to build one community which reflects the national and regional strategies as well as local needs and priorities. Through this, we will work to build and sustain a culture of mutual respect and active engagement, where people look out for one another, and where there are real opportunities to understand and appreciate our differences so that they don't become barriers.

We will welcome new communities moving into the borough; support them by offering advice, guidance and ESOL support; and help them with opportunities to volunteer in their local areas so that feel a part of the community. We will ensure that the role of Eastend women is celebrated and identify further steps to improve gender equality. We will support a range of events to bring together people from our diverse community.

What action will we take?

We will:

- 1. Work with local communities to bring people together to celebrate the diverse cultures of our borough and promote community cohesion
- 2. Work with faith communities to improve mutual understanding, increase tolerance and strengthen links between different faith communities and those of no belief
- 3. Actively engage with LGBT residents to improve service provision and representation
- 4. Work with residents to develop a strategic approach to cohesion and social integration that meets local needs including funding work to address the impact of development on community cohesion
- 5. Roll out a programme of support for refugees and new migrants to help them play a fuller role in our borough, reducing barriers between new and existing residents
- 6. Actively monitor and tackle emerging tensions and issues within and between communities including those generated by hate crimes or extremism
- 7. Celebrate the history and heritage of the borough and all its people

What will we measure?

% of residents who believe that people from different backgrounds get along well together (annual)

Prioirty 3:

A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough

Welive and work in a city and a rough of rapid change and growth bringing both benefits and challenges to its communities. The council must work within the resources that are made available to it by Government, and some that it can secure through other sources, to achieve the best possible outcomes for residents through the efficient and effective use of those resources.

The council has been transforming its structures and this redesign will continue at pace so that we are ever more responsive to the changing environment in which



we operate. We will continue to develop more collaborative ways of working and are open to new ideas and approaches. We are working to improve the ways in which we connect with communities and how residents communicate with the council. Investment in new technologies and improved design of communication systems are being implemented to make these contacts easier and more effective. and the Idea Stores will be further

developed to support this.

We can only be an effective council if we are a good employer of people. It is an asset that many of our staff also live in the borough, having a direct connection with the services that we provide, and there is a keen understanding across the council that everything we do has an impact on the lives of our residents. We want Tower Hamlets to be recognised nationally and locally as an

inclusive employer that recruits, develops and supports staff from different backgrounds so that we can continue to reflect, and better understand, the population that we serve and its changing needs.

We have identified three overarching outcomes under Priority 3 that the council's actions for the coming year are focussed on achieving, and these are described in more detail in the section that follows.



People say we are open and transparent putting residents at the heart of everything we do

We want our services to be accessible to all our residents including those who face inequality. We will redesign our services around our customers' needs, consolidating and simplifying the way we do things and embracing technology to make the most of our resources. We are investing in making our infrastructure fit for purpose, and by improving our web site and digital service we plan to support a



shift from phone and face-to-face customer contact to online contact. and transactions. This transfer will make information about the council and its services more open and transparent and enable us to focus our attention on better supporting our more vulnerable residents.

Our Community Engagement Strategy 2018-21, developed with our partners and the wider community, seeks to enable strong, active and inclusive communities who can influence and shape the borough in which they live and work.

What action will we take?

We will:

- 1. Redesign our services around our customers' needs, consolidating and simplifying the way we do things
- 2. Improve our customer services by increasing the availability of digital transactions and services, make it easier to contact us by telephone, and provide a greater range of services at our Idea Stores
- 3. Provide citizens with the skills and tools which will empower and enable community participation
- 4. Identify and use community assets including the skills, knowledge, experience and enthusiasm of residents to shape our priorities and services
- 5. Deliver a comprehensive learning and development programme for Councillors and provide them with the right tools to support effective decision making.

- Customer access overall satisfaction (quarterly)
- Percentage of Freedom of Information requests responded to on time (quarterly)
- Number of residents subscribed to council email newsletters. (quarterly)
- % of users who rate libraries/Idea Stores as good, very good or excellent (annual)
- % of residents who agree a great deal / to some extent that the council involves residents when making decisions (annual)
- % of residents who trust the council a fair amount/a great deal (annual)

People say we work together across boundaries in a strong and effective partnership to achieve the best outcomes for our residents

We want to be an effective and efficient council delivering best value across all of our services. We will root out duplication to reduce cost and complexity so that we focus on the things that really matter to our residents.

We will work collaboratively with the Tower Hamlets Strategic Pathnership to improve outcomes for local people by pooling our resources and skills and delivering excellent public services. Through the new Tower Hamlets Plan we will focus on tackling inequality by building a strong, inclusive and fair borough with a focus on four themes of good jobs and employment, strong, resilient and safe communities, better health and well-being and a better deal for children and young people.

We will enter into coproduction where we share resources and decision making in an equal and mutual relationship, bringing together professionals, service users, and their families and neighbours to design and deliver public services.

We will use our buying power to commission services that get the best outcomes. Wherever it is practical to so, and provides value for money, this will be through local providers and those offering the optimum social value to the borough and its residents. We will work with partners to address the digital exclusion of some residents by supporting them to improve their digital skills.

We will continue to support local voluntary and community sector provision of services through better collaboration and supporting them to deliver services. We will continue making the best use of Council assets, progressing the Community Hubs Programme and with a new Town Hall supporting the co-location of services and delivering better outcomes for residents.

What action will we take?

We will:

- 1. Work collaboratively with the Tower Hamlets Strategic Partnership to deliver the Tower Hamlets Plan
- 2. Continue to deliver the Community Hub Programme (through Start on site at both Raines and Granby Hall) and start construction on the new Town Hall
- 3. Continue to deliver integrated care through the Tower Hamlets **Together Partnership**

What will we measure?

The measures in this section are intended as contextual indicators of partnership working in the borough. We will not set targets for these measures as delivery is jointly with others. Our Strategic Plan measures with targets are designed to measure activity the council has more direct or sole influence over. The measures below help us inform our work with our partners.

- All delayed transfers of care attributable to NHS, social care and joint NHS/social care (average 100,000 of the population – quarterly)
- Key Stage 4 educational attainment (annual)
- Key Stage 4 educational progress (annual)
- % of children achieving a good level of early years development (annual)
- % of residents who strongly agree/tend to agree that the police and other local services are dealing with anti-social behaviour (annual)
- The gap between the overall employment rate in Tower Hamlets and the rest of London (quarterly)
- First time entrants into youth justice system per 100,000
- The number of arrests as a result of the council's CCTV room working jointly with police on the street (quarterly)
- The number of arrests for drug trafficking offences as part of Operation Continuum, our joint operation with the police to tackle drug related crime



People say we continuously seek inhovation and strive for excellence to embed a culture of sustainable improvement

As our funding from central government continues to reduce we need to make sure that we use our resources even more effectively than we do now and constantly challenge the way we do things. We have made significant progress on our improvement journey over the past three years. We have put into place robust arrangements to improve

services and strive towards excellence. Our organisational change programme is focused on giving our staff the right skills and tools to embrace a rigorous approach on achieving outcomes for our residents.

Now is the time to build on those foundations and accelerate the pace of change and innovation. This means embedding Best Value into everything we do, learning from our recent Local Government. **Association Corporate Peer** Challenge, and continuing to work towards an improved Ofsted rating for Children's Services.

What action will we take?

We will:

- 1. Work smarter together to become a dynamic outcomesbased organisation that delivers excellent services with fewer resources, using insight and intelligence to inform our decisions.
- 2. Continue to ensure that our workforce is diverse, reflects the people we serve, and has the right tools to deliver excellent services to our residents.
- 3. Undertake activities which see Tower Hamlets recognised nationally and locally as an inclusive employer that recruits, develops and supports staff from different backgrounds.
- 4. Build on our continuing journey of innovation, excellence and improvement by embedding Best Value improvements into service delivery and by developing a new way of measuring how we are performing as an organisation.
- 5. Protect our resources by carrying out anti-fraud measures to tackle tenancy, parking and other types of fraud
- 6. Develop the medium-term financial strategy (MTFS) and associated saving and investment proposals to take account of the impact on our local residents of any changes to the level of Council Tax. This will consider the impact of inflation, affordability and the level of Council Tax in comparable authorities

- Percentage of council tax collected (quarterly)
- Percentage of business rates collected (quarterly)
- The number of working days lost to sickness absence per employee (quarterly)
- % of residents who agree a great deal /to some extent that the council is doing a better job than a year ago (annual)

General Fund Revenue Budget 2018/19 (£m)

Revenue Budget Spend: A breakdown of budget spend according to outcome areas.

Stra	ategic Priority Outcome	2018-19 £m	
	People access a range of education, training, and employment opportunities	0.6	
**	Children and young people are protected so they can realise their potential	79.0	
Ton Ton	People access joined-up services when they need them and feel healthier and more independent	147.5	
1	Inequality is reduced and people feel that they fairly share the benefits from growth	5.8	
	People live in a borough that is clean and green	30.7	
Δ	People live in good quality and affordable homes and well-designed neighbourhoods	4.7	
	People feel safer in their neighbourhoods and anti-social behaviour is tackled	12.9	
e	People feel they are part of a cohesive and vibrant community	25.7	
Pa	A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough	36.8	
age 5	Total Budget	343.7	
ଠା This is where our £343.7m revenue funding comes from			
	ding	2018-19 £m	
£	Core Grants	52.0	
-	Retained Business Rates	189.1	
	Council Tax	93.8	
Θ	Collection Fund Deficit	(9.9)	
E	Use of Reserves	18.7	
	Total Budget	343.7	

More information about the council's budget can be found on

https://www.towerhamlets.gov.uk/lgnl/council_and_democracy/Your_borough_your_future/How_we_spend_our_budget.aspx

Capital Programme Budget 2018/19

Capital Budget spend: a breakdown of budget spend according to outcome areas

Strategic Priority Outcome	2018-19 £m
People access a range of education, training, and employment opportunities and feel they share the benefits from growth	1.3
Children and young people are protected so they can realise their potential	5.3
Reople access joined-up services when they need them and feel healthier and independent	6.9
People live in a borough that is clean and green	10.5
People live in good quality and affordable homes and well-designed neighbourhoods	64.3
Q People say we are open and transparent putting residents at the heart of everything we do	0.5
People say we work together across boundaries in a strong and effective partnership to achieve the best outcomes for our residents No strong alignment	10.6
No strong alignment	16.5
ਨੋਂ Total Budget	115.9

This is where our £343.7m revenue funding comes from

Funding	
Capital Grants	8.3
🛴 Major Repairs Allowance	15.0
Capital Receipts	46.6
Prudential Borrowing	20.0
	13.1
Revenue	12.9
Total Budget	115.9

Delivering excellent services

Whilst strategic plan is focussed on key actions which are focussed specifically on improving outcomes for our communities, the council is committed also committed to providing excellent service delivery in a wide variety of areas – a selection of our delivery from 2017-18 is shown below:



286 socially rented homes delivered

733 businesses supported through council activities

994 residents supported into work

72% of people are satisfied with how the council is run. according to our latest Annual Residents' Survey

92% of people think that people from different backgrounds get along well together

68.4% of early years pupils achieved a good level of develop-©nent

68% of pupils achieved the national standard in kev stage 2

47.2% average attainment 8 score for pupils in key stage 4

Distinction average score for vocational subjects in key stage 5 -**Technical** Levels

3.719 adults received support from adult social care services in 2016-17

14m in Community Infrastructure levy and £26.3m received in S106 payments which funded a total of 131 projects

Distinction+ average score for vocational subjects in key stage 5 -**Applied** General

83.34% of resident contact transactions were dealt with online

90% overall customer access satisfaction

99.3% of Council Tax was collected

2,234 households found temporary accommodation

280 apprentices employed with 44 places as part of social value on contracts

Last year we collected almost 7,000 tonnes of litter

350 centrally controlled on street CCTV cameras help the police make an average of 3 arrests every day

Our parks, gardens and open spaces won 25 awards last vear with Victoria Park recognised as best large park in London

1,902,737 total number of visits to our Idea Stores in 2016-17 ide a 1,916 food safety inspections carried out

7,000km of streets cleaned every week

How to get involved

Our Community Engagement Strategy sets out our vision for transparency and openness by encouraging active participation of our residents to influence and shape the borough in which they live and work. We want communities to lead the way in making Tower Hamlets a great place to live and we want communities to have the power to influence issues that affect them the most.

Find out about the latest council news and events by visiting out website:

https://www.towerhamlets.gov.uk/News_events/News_and_events.aspx

Check out our calendar of meetings to find out about upcoming council and committee meetings: http://democracy.towerhamlets.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1

We regularly consult our residents and local businesses about proposals that are likely to impact them:

 $\verb|https://www.towerhamlets.gov.uk/lgnl/council_and_democracy/consultations/consultations.aspx||$

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CABINET	
25 July 2018	TOWER HAMLETS
Report of: Will Tuckley, Chief Executive	Classification: Unrestricted
The Tower Hamlets Plan 2018 – 23	·

Lead Member	Mayor John Biggs
Originating Officer(s)	Sharon Godman, Divisional Director, Strategy, Policy
	and Performance
Wards affected	ALL
Key Decision?	Yes
Forward Plan Notice	25 June 2018
Published	
Reason for Key Decision	Impact on Wards across the Borough
Community Plan Theme	All

Executive Summary

This paper provides an overview of the work of the Tower Hamlets Strategic Partnership, which was reinvigorated by Mayor John Biggs in January 2017. The Partnership brings together key stakeholders to improve services and outcomes for local residents. Recently it has been focused on strengthening relationships and developing a vision and priorities for the next five years. To progress this, the Partnership commissioned a robust evidence base and extensive community engagement.

Following this work, the Partnership has developed a Tower Hamlets Plan 2018-23 **(Appendix A)**. This includes the key objective of tackling inequality by building a strong, inclusive and fair borough, as well as four areas of focus to help achieve this objective:

- A better deal for children and young people: aspiration, education and skills
- Good jobs and employment
- Strong, resilient and safe communities
- Better health and wellbeing.

The Council has already begun to incorporate the core priorities and overarching aim identified in the Tower Hamlets Plan into its refreshed Strategic Plan. However, the bulk of the delivery will be undertaken by the existing partnership thematic boards through a refresh of their work programme to demonstrate how they will deliver against the outcomes in the Plan.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. To approve the Tower Hamlets Plan 2018-23 (Appendix A)
- 2. To agree the proposed framework of delivery

1. REASONS FOR THE DECISIONS

- 1.1 In January 2017 Mayor John Biggs reinvigorated the Tower Hamlets Strategic Partnership, recognising that joint working has always been at the heart of public sector working in Tower Hamlets. Partners recognised the importance of coming together around a shared vision for the borough. Based on an extensive evidence gathering process over the last year, this shared vision has now been articulated in a new Tower Hamlets Plan. This document sets out the commitments to be delivered jointly by all partners involved, as well as the proposed next steps of working within existing partnership structures to deliver against the objectives, themes and outcomes identified in the Plan.
- 1.2 This report provides an overview of the process of development so far, as well as some key recommendations to take the Plan forward.

2. <u>ALTERNATIVE OPTIONS</u>

The Mayor in Cabinet can decline to approve the Plan and suggest further changes. This is not recommended as the Council and partners have done significant work to develop the proposed plan, which is also based on extensive engagement with the community more widely and a robust evidence base.

3 THE DEVELOPMENT OF A NEW TOWER HAMLETS PLAN 2018-2023

- 3.1 The Tower Hamlets Strategic Partnership brings together key stakeholders to improve services and outcomes for local residents. In particular it aims to provide residents with opportunities to shape, influence and inform the development of the borough's main partnership plans, all of which seek to improve the way services are designed and delivered as well as achieving key outcomes.
- 3.2 In January 2017, Mayor John Biggs relaunched the Tower Hamlets Strategic Partnership. Recognising the importance of partnership working locally, particularly in the face of a constantly shifting public sector landscape, the Mayor has been keen to revitalise the joint-working that has always been at the heart of the borough. With a range of challenges on the horizon locally,

- regionally and nationally, from Government cuts, welfare reform, rising demand for local services, our fast-growing population to Brexit, this level of partnership working is becoming even more vital going forward.
- 3.3 The Tower Hamlets Strategic Partnership was therefore reconstituted, with a Partnership Executive Group (PEG) comprising of senior officers from the Council, the NHS, Metropolitan Police, London Fire Brigade, Tower Hamlets Council for Voluntary Service, Queen Mary University, Tower Hamlets College, East London Business Alliance, Tower Hamlets Housing Forum, Canary Wharf Group, Tower Hamlets Interfaith Forum and local school representatives. Each organisation was keen to reconfigure the partnership particularly given the challenges ahead. Partners want to work together to identify creative and innovative new ways of delivering effective and efficient services and providing strategic leadership on complex, cross-cutting issues.
- 3.4 Last summer, they commissioned a range of evidence gathering projects to provide a robust evidence base for a new borough plan. This included:
 - i. Extensive community engagement in the summer of 2017 to provide an initial basis for prioritising future Partnership activity and themes for the new Plan. This involved 25 community leader interviews and 33 community events, which consisted of 104 interviews. Alongside this, 14 public interviews in Ideas Stores, 16 public interviews in parks, 4 public interviews in markets, 5 focus groups and the reviews of 56 documents including research reports and strategies were undertaken
 - ii. A public sector spend analysis providing a high level 'count' of spend across the borough. This has helped to create better visibility and understanding of the total resource available in order to supports discussions about how investment can be aligned and focused where it matters the most
 - iii. A 'State of the borough' profile, which entailed a comprehensive review of data about the borough, covering core themes such as: population; poverty; education: health; housing; the local economy; community safety and cohesion; and employment
 - iv. Engagement with key colleagues throughout November 2017 this included the Partnership thematic boards, DLTs and CLT.
- 3.5 Following this, PEG was able to identify the key objective they hoped to achieve through a new Tower Hamlets Plan **tackling inequality by building a strong, inclusive and fair borough** as well as four areas of focus that they believe will enable them to deliver this objective
 - a. A better deal for children and young people: aspiration, education and skills
 - b. Good jobs and employment
 - c. Strong, resilient and safe communities
 - d. Better health and wellbeing

- 3.6 The Partnership continued conversations with wider partners, stakeholders and residents to further drill down and identify what needed to be done to take these priority areas and wider objective forward. This second phase of engagement involved:
 - i. A Partnership Summit held on 11th January 2018, the Summit attracted nearly 300 people living and working across the borough, from 160 different organisations. Stimulating discussions around the four areas of focus took place and led to a range of suggestions and ideas for the Partnership to take forward.
 - ii. Engagement with key forums and partners following the Summit the Council ensured that key partners were engaged individually for further comment on the proposed priority areas of the new borough plan. This included speaking to internal colleagues working directly on these areas, as well as wider community forums such as the Interfaith Forum, the Community LGBT Forum and the Citizens Advice Network.
 - iii. An online survey was also conducted from 21st February to 23rd March 2018 to provide an opportunity for those living and working in Tower Hamlets to provide further comment on the focus of the new Plan. This attracted approximately 100 respondents, most of whom were residents, working full-time and above 35 years old.
 - iv. Six commissioned community researchers who utilised their networks and approach to community engagement and insight to talk to an additional 750 people across the borough between 24th February and 25th March 2018. They covered specific communities and demographic groups identified in the Plan as target or under-represented groups, which has historically included younger professionals, Somali people, older BME women and others; grass-roots groups and communities with which they already have good links; and other groups and communities identified as missing or requiring more in-depth study.
- 3.7 This second phase of engagement reinforced much of what the Partnership had identified as key areas of focus and there appeared to be a resounding endorsement of the current direction of travel, though all participants were keen to see what the next steps would be.
- 3.8 A draft Tower Hamlets Plan has now been developed based on the evidence base and the conversations with residents, wider partners and stakeholders outlined above (Appendix A).
- 3.9 Arising from this work some broad strategic commitments have been made in this Plan for the Partnership Executive Group (PEG) to take forward directly. These include:
 - Changing perceptions of Tower Hamlets through a high profile positive communications campaign about the borough

- Speaking with one voice on behalf of Tower Hamlets about issues that will affect the borough, such as Brexit, and speaking with one voice on behalf of local people
- Building the movement for change in Tower Hamlets by working with a wide range of local stakeholders to understand the direction we need to take together, and creating the space for others to make their contribution
- Joining up budgets and services
- Understanding the impact of Brexit
- Bridging the gap between local people and good local jobs
- Taking forward the ideas from the first Tower Hamlets Summit.

4. FRAMEWORK FOR DELIVERY

- 4.1 While the PEG has been responsible for developing this new vision and Plan, partners are aware of the continued work of other partnership and multiagency fora and networks, some of which were traditionally part of the family of partnership boards and groups, and were directly responsible for the borough's community plan priorities. These currently include the Community Safety Partnership, the Children and Families Partnership Board, the Growth and Economic Development Partnership, the Health and Wellbeing Board and the Tower Hamlets Housing Forum, as well as the various sub-groups and associated networks.
- 4.2 It is envisaged that the five key partnership thematic boards will use the evidence base developed for the Tower Hamlets Plan to ensure their current strategies and plans are aligned and able to demonstrate how they will improve outcomes for local people alongside the Tower Hamlets Plan.

Partnership thematic boards will also need to ensure that current governance structures are appropriately equipped to deliver against the priorities of the new Plan as well as encourage ways of ensuring there is inclusive engagement from the broadest range of stakeholders so that plans are informed and shaped accordingly. This may require a standardised approach, such as the following:

A Thematic Partnership Executive Group

4.3 A small executive function where members are responsible for delivering the thematic partnership (borough-wide) strategy or plan e.g. health and wellbeing, by prioritising and allocating resources in order to deliver change and improvement across the system. The Chair is likely to be a Corporate Director with related portfolio responsibilities and would convene meetings up to six times a year.

4.4 A Thematic Partnership Board

Chaired by the Cabinet Member with related portfolio responsibilities, the Board would meet up to four times a year and have responsibility for developing a borough-wide thematic partnership strategy or plan to improve specific outcomes. Members will consist of key stakeholders in the borough.

4.5 A Summit or Conference

Chaired by the Cabinet Member, a summit or conference held either once or twice a year to shape, influence and inform priorities ensuring the widest possible engagement with residents, interested communities and organisations e.g. for children and young people, and which could be responsible for designing and delivering (with requisite support) an annual conference that seeks to determine how we ensure young people get a better deal that focusses on aspiration, education and skills.

4.6 Support

Each board would have strategy, policy, intelligence and performance support from the central service who would work closely with Members and Corporate Directors to ensure a consistent approach. The intention would be to ensure administration is provided by the Business Support Service.

4.7 Sub – groups

It may be necessary for each thematic partnership board to also review existing sub-groups to ensure they are focussed on delivering partnership priorities.

5. THE COUNCIL'S CONTRIBUTION

- 5.1 The Council has aligned the development of Strategic Plan with the emerging priorities of the new Tower Hamlets Plan and has used the same evidence base. The revised three priorities within the Strategic Plan are:
 - i. People are aspirational, independent and have equal access to opportunities
 - ii. A borough that our residents are proud to live in
 - iii. A Council co-producing and delivering excellent services
- 5.2 These will be achieved by focussing on:
 - Prevention and early intervention
 - Tackling the underlying factors of poverty and inequalities
 - Building strong and resilient communities where people are empowered to help themselves and support each other
 - Achieving the best outcomes for the investment we make
 - Having a strong customer focus
- 5.3 The above indicates a clear correlation between the four areas of focus identified in the Plan. This is further reflected in some of the key performance indicators developed to measure the priority outcomes, which could be utilised by the Partnership to measure progress on the four areas of focus. Further work on this is currently taking place.

6. CONTRIBUTION BY OTHER PARTNERS

- 6.1 While key partner organisations have been involved in the development of the new Tower Hamlets Plan through the PEG, wider discussions within individual organisations to identify how the new priority areas and overarching vision can be incorporated into their corporate strategies and overall work programmes has started to take place and their contributions are being incorporated into revisions of the plan.
- 6.2 We have also started work on engaging partner organisation leads on some of PEG's broad strategic commitments including a meeting of communication leads to discuss how we can develop a more positive profile of Tower Hamlets. It is recognised further work needs to be undertaken with partners to enable them to lead on some of these areas of work and this will be delivered through the on-going engagement work taking place.

7. NEXT STEPS

7.1 Based on the above considerations and recommendations, the following next steps are proposed:

Action	By when
Discuss draft plan with all partner organisations at their appropriate forums/meetings	End of June 2018
Finalise and agree the Tower Hamlets Plan at MAB	July 2018
Finalise and agree the Tower Hamlets Plan at PEG meeting	26 July 2018
Finalise and agree the Plan at Cabinet	27 July 2018
Discuss and agree actions for each priority area with Partnership thematic boards to be incorporated into the relevant Partnership action plans	October 2018
Launch Tower Hamlets Plan at the next Summit	October 2018 (TBC)

8. OTHER STATUTORY IMPLICATIONS

- 8.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
 - Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - · Risk Management,
 - · Crime Reduction,
 - · Safeguarding.
 - v. already have good links; and other groups and communities identified as missing or requiring more in-depth study.

9. **EQUALITIES IMPLICATIONS**

9.1 The Tower Hamlets Plan is focused upon meeting the needs of the diverse communities living in Tower Hamlets. We have used the data and evidence gathered through a range of sources, including our borough profiles and consultation with residents to identify key inequalities faced in the borough. This has formed the foundation of the Tower Hamlets Plan and our key objective of building a stronger, more inclusive and fairer borough.

10. COMMENTS OF THE CHIEF FINANCE OFFICER

- 10.1 The cost associated with producing the Tower Hamlets Plan will be met from within existing resources.
- 10.2 There are no direct financial implications arising from the recommendations contained within this report.

11. COMMENTS OF LEGAL SERVICES

- 11.1 It is no longer a statutory requirement for local authorities to have a Community Plan. However, this does not prevent a local authority from having one as part of its overall governance processes and procedures.
- 11.2 The plan itself encompasses an approach to be undertaken by the Council in many aspects of working in the borough. Any action of the Council must be supported by the appropriate legal powers which will need to be checked at the time specific approval is required to implement any part of the plan.
- 11.3 Similarly, the Council will need to carry out equality assessments and where necessary consultation with affected parties in order to properly understand the nature of the impact of its decisions on persons with a protected characteristic when delivering against the plan. This is to ensure that it complies at all times with the Equality Act 2010.
- 11.4 Any expenditure and or service delivery must represent Best Value and therefore, expenditure should be subject to a competitive tendering exercise or evaluated grant application procedure as appropriate. Also, an agreement should be put in place which allows the Council to monitor the quality of delivery to safeguard the achievement of Best Value.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

Appendix A The Tower Hamlets Plan 2018-23

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

- Community Insights research report
- Online Survey report
- Borough Profile: <a href="https://preview-lbtower.cloud.contensis.com/Preview/1/lgnl/community_and_living/borough_st_atistics/Borough_profile.aspx?securitytoken=EhLGf0DAQLegK3Poa6eDdpTt8_erB4tbciDrq1c1uaekRwtv1Hy3h3k88Bi2DxMPT4qBbPu3gUnZ8FI6Xf8gDPRnJQdKriB%2fi

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	Tower Hamlets: a borough of opportunity The challenge ahead: tackling inequality by building a strong, inclusive and fair borough Our commitments How we will achieve this: our model of change

Our vision

The Tower Hamlets Plan sets out our shared vision for the future of our borough.

Tower Hamlets is one of the most dynamic, exciting and diverse places in the country. It is a borough with a rich history; people are proud to be part of this community. Tower Hamlets is also a place of contrasts and contradictions, where a thriving economy co-exists with high levels of poverty. But above all it is a place of opportunity. A place where we can build on the stories of our past, on the great progress we have already made, and on our many strengths, to ensure that this is a borough where all residents can thrive.

In the summer of 2017 we commissioned a range of evidence gathering projects to provide a robust evidence base for a new borough plan. We met with our partners, stakeholders and residents to understand the local concerns and changes we want to see. We wanted to make sure we heard

from a wide range of people so we recruited community researchers to tap into their local networks, reaching people that have typically been under-represented in engagement exercises and asked what matters most to them. We have used this information to help us identify our key objective for

this plan: tackling inequality by building a strong, inclusive and fair borough and the four themes that we will focus on.

This Plan sets out our priorities over the next five years and the ways in which we will work together to achieve them. It is a plan for all of us - those of us who live in the borough, people who work and study here and our thriving voluntary and community sector. Only if we all play our part will we achieve our shared ambitions.

our role

- We will combine our skills and resources, because working together as a team will bring about better outcomes for local people.

your role

- Play your part and get involved to bring about powerful change in your neighbourhood and the borough.

together

- We will take action on the things that matter most to you.

Introduction from the Mayor John Biggs

Over the past 12 months I have been working with borough leaders from organisations and community groups representing every corner of Tower Hamlets: the council, the NHS, education institutions, the police and fire service, housing associations and representatives from the business community, faith leaders and community groups. Together we

are the Tower Hamlets Partnership.

We came together to ask ourselves a simple question: how can we make our borough the best possible place to live? To explore this question we have reviewed evidence about what is happening in our borough in key areas such as health, education and employment, spoken to many of our residents and hosted the first ever Tower Hamlets Community Summit, at which nearly 300 local stakeholders gathered to meet each other and share ideas.

> This Plan is the result of those conversations. It is our shared vision for what our borough

should be: clean and well looked after, with streets and estates that feel safer, a fairer place with more access to affordable housing and where our residents achieve their potential. It sets out our key objective, which partners believe they can collectively influence:

tackling inequality by building a strong, inclusive and fair borough, and the four themes we will focus on. We know we cannot tackle everything at once, therefore the Partnership will concentrate on fewer things where we believe we can have the greatest impact.

This Plan is only the beginning. It is clear from our conversations that Tower Hamlets is a borough that is rich in people and organisations committed to our shared objectives. But we cannot achieve them alone. It is clear that we can only improve local lives by working together.

The Tower Hamlets Partnership is united behind this common vision. We commit to providing leadership on the complex, cross-cutting

issues set out here, coordinating and joining up our efforts where possible, and speaking with one uoice on behalf of the borough. From Government cuts, welfare reform, rising demand for local services, our fast-growing population to Brexit - there are lots of challenges on the horizon. But I believe that by working together we can ensure our community continues to go from strength to strength.



John Biggs Mayor of Tower Hamlets and Chair of the Tower Hamlets Partnership Executive Group







Tower Hamlets: a borough of opportunity

Tower Hamlets is a place with a rich history or, as many people who contributed to this Plan observed. "many rich histories". From its beginnings as an historic docks and manufacturing area it has grown and developed at a faster rate than anywhere else in the UK. This culturally rich and diverse area faces unique challenges as it moves from a place of deprivation to become an extension of the central London economic powerhouse and a vibrant borough in its own right.

> "There are real opportunities in Tower Hamlets, because there is such a strong corporate sector" - local partner

There are great opportunities in Tower Hamlets. We have centres of huge employment and new residential developments across the borough. We have the second largest economy in the country, and we are close to the city and







the job opportunities offered by the rest of London.



We have more jobs than the number of working age residents

We are the fourth youngest borough in the UK: almost half of our residents (47 %) are aged 20-39



"Tower Hamlets is one of the leading performing boroughs in education up to the age of 16" local partner

After years of investment and hard work by our teachers and others we have some of the best schools in the countru.

37 schools rated 'Outstanding'. 60 rated 'Good' and only three 'Requiring Improvement'



We have great transport links, we are rich in award-winning open green spaces, and we have a highly-regarded hospital and good health services.



More affordable homes are built here than anywhere else in the country



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"It is a lovely area to live in, there are very nice parks and a nice community" - resident

We are also one of the most uibrant. and diverse communities in the UK. Local people are proud of the high levels of community cohesion.

137 languages are spoken in our schools alone and 86% of residents feel that people from different backgrounds get on well together

People we spoke to value the rich cultural offer that comes with this mix, and the new opportunities to celebrate this diversity that we have worked hard to create. through free community events

and festivals. People told us they also value the borough's strong voluntary and community sector. the Ideas Stores and sports facilities and the local markets and other accessible local amenities.

Over the past three decades our population has more than doubled and we are still growing.

It is a testament to our vibrancy and welcome that the borough is such an attractive place to live.

Our population recently broke through the 300,000 mark and is projected to be approaching 400,000 bu 2027

"We need to support and encourage young people to think about university" - local partner

"Young Muslim women have high aspirations but face a number of barriers" – local partner

There is a huge amount to celebrate about life in Tower Hamlets, and the Partnership will take every opportunity to highlight these successes. One of the recurring themes of our conversations was the feeling that the portrayal of Tower Hamlets in the media and elsewhere does not reflect the many positive stories we have to tell, and that this affects the way people think about their experience of living in the borough. We want people to have positive associations about life in Tower Hamlets, and this Plan and the associated communications campaign that we are launching is part of that effort.



opportunities in our borough, many in our community do not benefit from them.

Despite the economic

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The borough is the tenth most deprived local authority in England and has the highest levels of pensioner poverty and child poverty in England

However, we must not hide from

also a borough of contradictions.

the fact that Tower Hamlets is

An estimated four in ten households in Tower Hamlets are living below the poverty line, after housing costs are taken into account

This is the highest poverty rate across all local authorities in England and Wales, and almost double the national average.



The employment rate of residents is below the national average

We know that in-work poverty is increasing in the borough. And although many of our young people do very well at school, improvements in education do not always translate into better opportunities in the jobs market for them, and too few go on to the best universities and break into top jobs.

The borough is tackling some of the toughest health inequalities in the UK caused by deprivation and related housing and employment needs. The rate of adults receiving long term support from adult social care is among the highest in London

Many in our community experience loneliness which is closely associated with a range of health issues.

"Even though I like my community there are some issues with segregation between groups" – resident









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Many people we spoke to said that we could do more to improve access to and use of our green spaces. We also know that crime and anti-social behaviour is a key concern for local people, and has an impact on quality of life for the whole community. Despite significant growth in housing in the borough, too many households are waiting for housing, and affordability remains a challenge.

Although local people say that they get on well together, we understand they often feel that they are living parallel lives - happily existing alongside each other but never truly integrating. We want to build a strong community where people come together as one. And while we have a thriving voluntary sector, many local people want to be active in their community but find it difficult to overcome barriers to doing so.

These contradictions, or inequalities, are what we, the partners and people of Tower Hamlets, want to address. They are the focus of this Plan.

"I feel very isolated. It is worse now than it used to be" - resident

"People want opportunities to mix at a neighbourhood level" – local partner

The challenge ahead

Tackling inequality by building a strong, inclusive and fair borough

As we developed this Plan, nearly every piece of evidence that we reviewed and conversation that took place spoke to the need to utilise the huge opportunities and assets that we have and to translate those opportunities into benefits for everyone.

We have identified four themes which we will focus our efforts on to help us achieve our objective:

(i) A better deal for children and young people: aspiration, education and skills

High quality education is a stepping stone to high quality employment. We will continue to work hard to help our children and young people do well at school and go on to reach their full potential. For some this will mean joining the workforce or embarking on an excellent apprenticeship, and for others it will involve taking the next steps into higher education. Whatever

route our young people choose we want to equip them with the skills and confidence to succeed in the modern economy.

We also want to ensure that our children and young people are

supported outside of education to play a positive role in the borough, for example through youth facilities and sports clubs, and benefit from being part of an active and integrated community.

"We could do some work on apprenticeships to raise their profile and desirability" - local partner

Spotlight youth facility

Set up by Poplar HARCA, Spotlight is a youth focused facility where young people can think creatively, gain confidence and pursue opportunities they may not have thought possible. Spotlight is a safe and inclusive space providing free services for 11-19 year olds. Over 50 partners currently provide services at Spotlight.

Opened in 2014, Spotlight was created in response to local young people saying they had nowhere to go that was just for them. The design and offer was based on research conducted by young people with over 2,000

respondents which helped secure £4 million in external funding.

Since opening, Spotlight has engaged over 7,000 young people of which 42% are female. The success in serving such a relatively high proportion of female users has been attributed to a mixture of offering safe and secure facilities, female focussed activities and plenty of female staff.

According to the Metropolitan Police's Annual Crime Count, Lansbury Ward saw a 40% reduction in all crimes from 1,153 incidents in 2013 to 693 in 2015. This coincides with the opening and development of Spotlight and its

positive work with young people from the local area.

Spotlight facilities include a music recording studio, media suite, radio room, boxing gym, theatre space, games area, café and dance studios.

(ii) Good jobs and employment

We want to help local residents to capitalise on the dynamic employment growth occurring around them. This is because we know that being in work improves outcomes in many areas of life including mental and physical health and wellbeing.

We will encourage employers and education providers to work closely and ensure that → the education and skills training. available supports the needs of the job market. We want residents to take advantage of the skills and employment training services available locally. And we are working with local employers to ensure they play their role in supporting the community. through inclusive recruitment, responsible employment and fair access to jobs.

> We will push for economic investment that is coordinated and focused and for a borough that is a dynamic place for innovation and those who want to set up a

WorkPath: transforming lives by raising aspirations, capabilities and access to opportunities

Sam, a care leaver had no previous work experience; he was struggling to find employment and was suffering from low morale. He was on the brink of homelessness and his Key Worker was concerned that he may resort to crime out of desperation.

Sam was referred to WorkPath by his key worker. Following an initial assessment, it was clear that Sam required comprehensive advice, support and employment interventions to enhance his skillset. career ambitions and help him on his journey to work and stability.

An action plan was drawn up to assist Sam. comprising of CV development, job search and application support. In addition he was given training and a work experience placement and was put through the Construction Skills Certification Scheme (CSCS). It took Sam several attempts to secure his CSCS card. Close working with Sam's Key Worker helped keep his morale up and stay committed.

WorkPath was able to secure Sam an interview to become an Electrical Apprentice. Although the employer was concerned about Sam's lack of work experience, they were persuaded to offer him a work trial. After his first week, the employer confirmed they would be paying Sam for the duration of his work trial and following the second week, they confirmed they would be offering him an apprenticeship. Sam was very pleased with the opportunity to be working on site and is looking forward to starting his apprenticeship.

Sam's morale is up, his confidence has increased and he is very optimistic about the future. With the employability and transferrable skills developed. he is now open to various career options.

Sam's case is just one of many who have benefitted from employment and apprenticeship opportunities, secured through \$106 planning contributions working with developers.

business. And as large employers, the members of the Tower Hamlets Partnership will also ensure our

own organisations are inclusive and open to local people too, improving our apprenticeship

schemes, community outreach and local employment practice.

(iii) Strong, resilient and safe communities

We know that strong and resilient communities are happier and healthier communities: when people look out for each other they benefit in terms of their health and well-being, from their connections with the people around them.

Against a backdrop of reducing public sector resources and Tincreased confidence to report crime, we will focus more on crime prevention and reducing fear of rime. We will also work closely with communities to tackle crime and anti-social behaviour.

We know that residents are concerned about the safety and security of their home and we are working closely with housing providers, the London Fire Brigade. tenant and resident associations on issures around fire safety.

We will work together as a community to support greater integration and cohesion, helping

to build bridges between different parts of the community, tackling social isolation and contributing to making the borough a safer place.

"People do want opportunities to mix at a neighbourhood level" - local partner

"We need to do things together like arts and cooking, that aren't language based" - local partner

Working in partnership - substance misuse services

Partners across health, police, probation, housing, social care, licensing, public health and the council come together to deliver on the broad agenda surrounding substance misuse and work with individuals whose criminal or anti-social behaviour (ASB) is related to their drug and/or alcohol use.

This successful partnership working engaged 20 families in family interventions between April and December 2017 and 54 interventions were delivered to carers and individuals affected by someone else's substance misuse.

A Specialist Midwife (substance misuse) has been commissioned, based at the Royal London Hospital, and is working with pregnant women with an identified drug or alcohol problem. The midwife works closely with other hospital teams, Reset Treatment Service, GPs, Children's Social Care and Children's Centres. Many women are not in treatment at the time of referral and the service helps them to stabilise on substitute prescribing and allocates them a care coordinator.

Between April and October 2017, 14 out of 18 babies born to clients of this service were able to go home with their mothers rather than into foster care or adoption.

(iv) Better health and well-being

We are committed to improving the health and wellbeing of our local population and the quality of the care services they receive. At the heart of this is ensuring our services are person-centred, empowering and that they make a tangible and positive difference to people's lives. We are committed to providing co-ordinated, joined-up services that enable people to have greate independence and more control that enable people to have greater over their care, using information, advice, technology and support we will help people to manage their health conditions. We aim to give the people of Tower Hamlets one of the best systems of interconnected health and care in the country. We are delivering this through the Tower Hamlets Together (THT) partnership which brings together providers. commissioners, the community and voluntary and statutory sector. to improve the quality of life for our residents.

> Through further close partnership working, prevention, early intervention and working with our

communities, we will tackle health inequalities, improving the quality of life for our residents and managing demand for services.

We know that achieving better health and wellbeing is much wider than improving our health and care services. It involves taking a holistic approach to everything that impacts on how we feel, from good quality housing to accessible parks and open spaces. We know we can achieve improved physical and

mental health by providing spaces for people to be active and enjoy.

New model for partnership working makes for a healthier **future for Tower Hamlets**

While children's centres across the country are closing due to budget cuts, in Tower Hamlets we are working with partners to breathe new life into our children's centres and restructure them into child and family hubs.

The Tower Hamlets Together has made significant progress towards integrating health, employment and social care through the restructured children's centres. They have

brought all early years services together with the health uisiting service, maternity services, employment services provided by WorkPath and local voluntary and community sector organisations.

From its children's centres, Tower Hamlets Together now delivers child health and well-baby clinics, midwifery, health visitors, immunisation against infectious diseases, advice on healthy eating, therapies like baby massage as well as employment advice. Having a universal offer enables health and social care needs to be identified at an early

stage, and in many cases resolved successfully, reducing costs further down the line. In addition, that timely intervention reduces chronic conditions in later life like diabetes, coronary heart disease and some cancers.

Concentrating services at children's centres has had other important benefits such as making it easier to access training such as employment training, particularly helpful for mothers wishing to return to the jobs market, and language classes.

Our commitments

We will use our collective influence to lead and campaign on the issues that matter most to the people of Tower Hamlets.

We have listened to you and have developed our Tower Hamlets Strategic Framework. At the centre is our key objective: building a stronger, more inclusive and fairer borough. This is underpinned by four themes which we will focus our efforts on. Fach theme has a set of key outcomes which we intend to achieve over the next five years.

All the organisations involved in the Tower Hamlets Partnership are committed to playing their part in achieving the shared outcomes outlined here. However, the bulk of the delivery will be undertaken by the existing partnership thematic boards through a refresh of their work programme, setting out how we will achieve these outcomes and the indicators we will use to monitor progress. These outcomes will be kept under regular review by the Partnership.



How we will achieve this: our model of change

A whole system approach - our role and your role

As partners have reflected on the key opportunities and challenges facing the borough, we have also thought hard about how we are going to achieve our objectives. In a time of austerity and uncertainty. 'less of the same' will not be enough. Public sector organisations in the borough are already making big changes to the ways that they work, and this will need to continue. And as the richness of our conversations about the role of organisations and people beyond the public sector have shown, we really do all need to play our part. Responsible local businesses, a thriving voluntary sector and residents themselves are critical to achieving this Plan.

> For example, improving access to good employment will require local employers to improve their outreach and work in partnership with local schools, colleges and intermediaries. But we want to go further than this because we recognise that employers and

businesses have a reach far greater than providing employment and they can play a role in achieving other outcomes too. By giving staff time to participate in volunteering. mentoring and providing pro bono work, ie, supporting community groups with their fundraising or advising on their marketing strateau.

Businesses can make a significant difference to many aspects of the community. By making available their business assets - people. expertise, time, and goodwill - they can have a big impact.

Universities too have a role to play that is beyond delivering educational achievement. This can be about ensuring their facilities are accessible to non-students. Whether that is opening up the university drama theatre and putting on performances for members of the public to enjoy or inviting aspiring musicians to access their music studios. Its about sharing resources and spaces for the benefit of all.

Reducing isolation

The East London Pensioners Group (ELPG) is a social club for older people across east London. The group attracts over 50 guests each week. Sadly, loneliness is a problem many people face as they become older and often more isolated, and it can lead to various related health issues, including depression. Socialising at clubs such as this is a fantastic way to reduce that loneliness.

Employees from businesses in Tower Hamlets have been happy to help get involved directly with the elderly themselves through cooking, socialising, organising events; or by helping build the capacity and resilience of the expert voluntary and charitable organisations that work with these residents. The East London Business Alliance (ELBA) operates a volunteer programme engaging local business volunteers to support groups like this, in addition to other community groups. Across all of ELBA's activities they worked with 12,300 business volunteers last year to support the local community.

"ELBA events with volunteers have meant that service users have improved their confidence and motivation to come out of their homes and interact with other people in their local community. It has greatly helped tackle issues of loneliness amongst the elderly that attend. It has also given them the opportunity to have days out that they otherwise wouldn't be able to afford.", said Carol Abbot who runs the ELPG for elderly people.

We are calling this a 'whole system' approach to change in Tower Hamlets, and it will require us to work together in new ways, build better alignment of our respective efforts in service of our shared aims, and put the interests of the borough above those of our individual organisations.

We already have some excellent examples of a whole system approach. For instance, registered social landlords play a vital role in providing high quality, affordable housing for local residents, but they also help shape the physical environment and increasingly deliver and manage a wide range of community services and facilities. Another example is the Tower Hamlets Together partnership which is taking a population health approach that is structured to meet the needs of segments of our population rather than across diseases or organisations.

Public service reform

Public services are under huge long-term financial pressures and are also facing rising demand from service users. There are already many initiatives underway to change the way that public services are designed and run in Tower Hamlets, such as the integration of health and social care.

We as civic leaders will need to increase our efforts, and ensure a greater coherence of approach across our organisations.

The borough has a huge asset in its thriving community and voluntary sector, which is often the first port of call for residents, and there are already many good examples of close partnership working.

To achieve our vision, we commit to:

· Focusing on outcomes and assets - rather than organisations, services or process. This means that we will prioritise on what is most likely

to improve outcomes for local people, rather than the ways that services have traditionally been provided or the interests of our own organisations. We will listen to people's priorities, ensure we understand what is happening in people's lives and work with people to make changes. building on and enhancing their own strengths.

We will use the collective buying power of public bodies to invest together in better local outcomes.

- Improving outcomes and managing demand by intervening early - we will focus on understanding the root causes of people's needs and intervene earlier to prevent problems from worsening where possible.
- Working together to provide more integrated services that respond to the complexity of people's needs - we will improve the coherence of local services, so that people do not have to navigate multiple

services at the same time, and so that people get the support that they really need. We will increase partnership working between public services and the community and voluntary sector, to ensure that a range of informal and formal support is available.

Active communities

Public services alone cannot improue people's lives. Complex social challenges such as poor mental health and social isolation cannot be solved with a medical prescription or a short daily visit from a care worker alone. And we know that being part of a strong and resilient community can improve people's well-being as well as help manage demand for services. We need to work alongside and with local people. both in the formal voluntary sector and more informally, to encourage and support the daily interactions and relationships that can make such a difference to people's lives.

Large public sector agencies can set the tone, make financial investments in community groups, activities and events, and support and encourage community leaders. We can ensure the voice of the community is heard when it comes to the issues that matter to them, such as community safety. We will play our part. But we also need local people to play theirs.

We need your help. Whether it is checking on a neighbour, volunteering your time, or being a responsible citizen by recycl volunteering your time, or being a responsible citizen by recycling, minimising car use, we all have a part to play.

Running the Daily Mile

Tower Hamlets has the highest number of registered Daily Mile schools in London. The Daily Mile is an initiative running at schools. which gets young people to take part in a 15 minute desk to desk run or jog. The aim of The Daily Mile is to improve the physical, social, emotional and mental health and wellbeing of our children - regardless of age, ability or personal circumstances.

The Council's Healthy Lives Team has worked with almost half of all primary schools in Tower Hamlets to support them to take part in the Daily Mile initiative. The feedback has been universally positive. Anecdotally, schools have reported that behaviour and concentration has improved amongst pupils as well as attainment.

94% of pupils taking part in the Daily Mile have increased their fitness levels. Their fitness levels have been assessed by the Healthy Lives team before, during and after the Daily Mile project.

Pupils have told us that before the programme "I did not have the confidence to run. I thought it would be hard and I will have to stop all the time." And since joining the programme they tell us "I really like doing Mile a Day, it makes me feel energetic and it is so fun. I am proud of myself."



Our next steps

As a Partnership, our shared commitments to the borough for the next five years are laid out in this Plan. Below are some immediate priorities that we are focusing on over the next 12 months.

Communicating progress and sharing the positives

Changing perceptions of Tower Hamlets

We will lead a high-profile positive To communications campaign about the borough, to tackle negative perceptions and inner city stereotypes. We will showcase the positive experiences that people shared with us as we developed this Plan, and the many success stories we have, be it about our excellent schools, our diversity or the many opportunities local people have to access great resources and jobs. We will also highlight fantastic projects that are already underway in the borough that represent the ways of working outlined in this Plan, sharing learning and good practice and celebrating the best of Tower Hamlets.

Speaking with one voice on behalf of Tower Hamlets

There is power in a range of local organisations coming to a shared view about issues that will affect the borough and speaking with one voice on behalf of local people.

The Partnership will support the Mayor's Brexit Commission to examine the impacts that Brexit will have on the council, our local economy and residents, and to ensure that we can respond swiftly to any challenges or opportunities that may arise. A Brexit commission will enable us to coordinate our response to central government, the Mayor of London and others more efficiently and effectively.

Engaging the community and local partners

Building the movement for change in Tower Hamlets

As a Partnership we want to ensure that we are working with a wide range of local stakeholders

to understand the direction we need to take together, and creating the space for others to make their contribution. We will host a programme of summits throughout the year with local citizens and organisations, where people can come together, meet, share ideas and learn from each other. We have already connected over 300 local stakeholders through the first summit in January 2018.

Taking forward the ideas from the first Tower Hamlets Summit

The ideas generated at the first Tower Hamlets Summit have been shared with all those who attended, so that where possible people can take ownership for moving them forward. Those ideas that require action by members of the Partnership are reflected here. We will also be holding discussions with the other partnerships where organisations are coming together to guide priorities such as the Health and Wellbeing Board, the Growth and Economic Development Partnership, the

Children and Families Partnership. the Tower Hamlets Housing Forum and the Community Safety Partnership, to ensure that the ideas are built into their own plans.

Joining up budgets and services

We have undertaken the first ever analysis of total public sector spend in the borough, and we will now explore the opportunity for more effective alignments of budgets where possible. We will also explore opportunities to support services where integration or joint commissioning is already taking place, such as health and social care, and identify new opportunities under each of the four themes outlined in this Plan.

Co-design and co-production

We commit to using the principles of co-design and co-production to ensure the community and local partners have a voice in shaping the design of local services.

Planning for the future

Understanding the impact of Brexit

Through our work to create this Plan we explored the potential impacts of Brexit on the borough. especially in relation to the future workforce and jobs in the borough. This initial work highlighted the opportunity for more coordinated workforce planning, training and recruitment across partners, and m we will focus on the potential of our own organisations to realise these opportunities. WorkPath employment service will work with local employers to identify potential skills shortages as a result of Brexit and will put in place schemes to meet these shortages where possible.

> The Partnership will support the Mayor's Brexit Commission which focuses on three areas: local economy, society and public services.

Future-proofing the NHS in Tower Hamlets

We know that Tower Hamlets is the fastest growing borough in London. While the current primary healthcare facilities meet the needs of the population today, projections estimate that there will be a deficit of 21% in five years' time.

To tackle this, Tower Hamlet's Public Health team in partnership with the NHS and planning. finance and infrastructure colleagues created an innovative programme to direct the funds paid by developers to offset the adverse impacts of developments (known as Section 106 and Community Infrastructure Levy money) towards health improvements.

Under this programme the team is working hard to maximise the income from these funding streams and use their understanding of population trends and the evidence base to make sure the money buys high quality health infrastructure where it is needed most. Since 2015 £19.3 million of Section 106 and Community Infrastructure Levy money has been grantfunded to the NHS to create:

- · up to 92 newly built or refurbished clinical and treatment spaces:
- the capacity to increase patient lists in excess of 35,000 residents; and
- more than 250,000 additional appointments each year.

William Cotton Place in Popular is one beneficiary of the programme. A fantastic new health centre that opened in January 2017, it received £3.1 million to fit out the newly built premises in an area with high levels of deprivation and poor health.





Bridging the gap between local people and good local jobs

There is already a great deal of work underway to support residents into local jobs and build relationships between local employers and schools and colleges. The Partnership will review this work. to identify whether there are further opportunities that could be created, particularly with regard to influencing large local employers. As employers, the members of the Partnership will also review our own mentoring, apprenticeship, recruitment and employment practices to ensure we are providing access and opportunity to local people.

Building shared local accountability

All the organisations involved in the Tower Hamlets Partnership sign up to playing their part in achieving the shared outcomes. We will also build on the work undertaken for this Plan by continuing to share data among partners, creating a shared understanding of the opportunities and challenges.

Culture change and people development

As large employers in the borough, the members of the Tower Hamlets Partnership will lead culture change and staff development in our own organisations as a means of enabling the new ways of working set out in this Plan. Each partner organisation will review its organisational strategies in line with the ambitions set out here, and the members of the Partnership will champion the changes in their organisations.



If you would like to find out more or have any questions about the Tower Hamlets Plan please contact us at the following email:

towerhamletspartnership@towerhamlets.gov.uk





























Cabinet		
25 July 2018	TOWER HAMLETS	
Report of: Ann Sutcliffe, Acting Corporate Director Place	Classification: Unrestricted	
Anti-idling designation in the London Borough of Tower Hamlets		

Lead Member

Councillor David Edgar, Cabinet Member for Environment

Originating Officer(s)

David Tolley - Head of Trading Standards and Environmental Health

Muhammad Islam- Team Leader, Pollution

All wards

Wards affected Key Decision? Forward Plan Notice Published Reason for Key Decision Community Plan Theme A Great Place to Live A borough that our residents are proud of and love to live in

Executive Summary

Poor air quality has an impact on the health and quality of life of all in Tower Hamlets. The Council has a statutory duty to comply with the London Local Air Quality Management (LLAQM) Regime under the Environment Act 1995.

The whole of the borough of Tower Hamlets has been declared an Air Quality Management Area (AQMA) under the UK Air Quality Strategy for two human health related pollutants, Nitrogen Dioxide and Particulate Matter (PM10). The Council has a duty to produce an Air Quality Action Plan which details measures on how it is working towards achieving the objectives.

Idling vehicle engines has been a concern to some residents and Members as the Council receives complaints of idling engines for example outside schools.

The Council's Air Quality Action Plan 2017-2022 was approved by Cabinet in October 2017. There is a commitment in the action plan to enforce anti-idling regulations by becoming a designated authority to issue Fixed Penalty Notices (FPNs) for a stationary idling engine offence.

This report is seeking approval to introduce a new FPN and charge for engine idling in the borough under the Road Traffic (Vehicle Emissions) Fixed Penalty) (England) Regulations 2002, which are made under Section 87 of the Environment Act 1995 to

reduce polluting emissions from unnecessary engine idling vehicles.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. To authorise the use of powers under Regulations 12, 13 and 14 of the Road Traffic (Vehicle Emissions) Fixed Penalty) (England) Regulations 2002 to enforce against drivers who allow their vehicle engines to run unnecessarily when parked anywhere in the borough.
- 2. Delegate authority to Corporate Director, Place to authorise, Environmental Health staff, Tower Hamlets Enforcement Officers (THEOs) and Civil Enforcement Officers of the Council to make use of these powers to issue FPNs, and take legal proceedings for stationary engine idling offences.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has a statutory duty to improve air quality in the borough. The Council has produced an Air Quality Action Plan (AQAP) which details measures on how it is working towards achieving the national Air Quality Objectives. There is a commitment in the AQAP to enforce anti-idling regulations.
- 1.2 The ability to issue FPNs for stationary idling vehicles will enable the Council to deliver on the commitment made in the AQAP to reduce emissions caused by transport and improve local air quality within the borough through a combination of education and enforcement activities.

2. <u>ALTERNATIVE OPTIONS</u>

2.1 Not to authorise officers to issue FPNs. However, as the council has made a commitment in the AQAP which was officially signed off by the Greater London Authority, there is a risk this could result in the Council losing its Cleaner Air Borough status with the Greater London Assembly as the commitment would not be delivered.

3. <u>DETAILS OF REPORT</u>

- Air Quality has an impact on the health and quality of life of all in Tower Hamlets and London. 7.4% of all deaths in Tower Hamlets in people over 30 are attributable to particulate air pollution. Over 50% of the borough's Nitrogen Oxide (NOx) emissions come from transport sources¹.
- 3.2 40% of the Council's residents live in areas of exceedance of the national air quality objectives and EU limit values for Nitrogen Dioxide (NO2)¹.
- 3.3 The Council has declared an Air Quality Management Area (LAQM) under the UK Air Quality Strategy for two human health related pollutants (Nitrogen

- Dioxide and Particulate Matter). Appendix One. The Council has a duty to produce an Air Quality Action Plan (AQAP) which details measures on how it is working towards achieving the objectives.
- 3.4 Idling vehicle engines contribute emissions of both of these pollutants unnecessarily and have been a concern to some residents and Members. Therefore the AQAP contains an action to establish effective ways to prevent drivers leaving vehicle engines idling unnecessarily within the borough.
- 3.5 Although emissions from stationary vehicles are only a small contributor to the overall levels of pollution in the borough, it can cause discomfort to people in sensitive locations such as outside schools. The ability to issue FPNs is likely to increase the level of compliance.

Powers for engine idling enforcement

- 3.6 The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002 gives power to local authorities to issue Fixed Penalty Notices (FPNs) to drivers who allow their vehicle engines to run unnecessarily while the vehicle is parked.
- 3.7 Guidance issued by the Secretary of State for Transport in 2002 ("Guidance on powers to require drivers to switch off engines") under section 88 of the Environment Act 1995 states that FPNs would mainly be used as a deterrent and should be issued only as a last resort. FPNs would be issued in very limited circumstances, and only if a driver refused to turn their vehicle engine off when asked to do so by an authorised officer of the Council.
- 3.8 Regulation 98(2) of the Road Vehicles (Construction and Use) Regulations 1986 sets out the circumstances where vehicles are permitted to be stationary with the engine running:
 - When vehicles are queuing at traffic lights,
 - Where an engine is being run so that a defect can be traced and rectified.
 - Where machinery on a vehicle requires the engine to be running e.g. where the engine powers refrigeration equipment or the compaction equipment in a refuse vehicle
 - Where a vehicle is propelled by gas produced by the functioning of plant carried on the vehicle.
- 3.9 The guidance encourages a common sense approach should be followed when using these powers. FPNs should only be issued when a driver is uncooperative and refuses to switch off engine when advised to do so by an authorised officer.
- 3.10 Regulation 4 indicates there is no requirement to apply for designated authority status from the Secretary of State for engine idling powers only as the Authority has previously declared an Air Quality Management Area.

¹The London Borough of Tower Hamlets Air Quality Action Plan 2017-2022

The enforcement process

- 3.11 Regulation 12 of The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002 ("the RTVE") sets out the enforcement process as:
 - 12. Stopping of engine when vehicle stationary
 - (1) An authorised person who has reasonable cause to believe that the driver of a vehicle that is stationary on a road is committing a stationary idling offence may, upon production of evidence of his authorisation, require him to stop the running of the engine of that vehicle.
 - (2) A person who fails to comply with a requirement under paragraph (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3.12 Regulation 13 of the RTVE states that an FPN will only be issued where a driver refuses to turn off the engine when requested to do so by an authorised officer. Enforcement would not occur in case of the offence occurring accidently or there is a genuine reason for not complying.
- 3.13 The regulation stipulates the penalty for an offence as £20 which will increase to £40 if not paid within 28 days. There is no discretion to amend the charge.
- 3.14 A further FPN could be issued if a vehicle is found stationary during the initial 28 day period with its engine running unnecessarily on a second or subsequent occasion. The offence is absolute and applies equally on every occasion the offence occurs.
- 3.15 Local authorities are permitted to retain income generated from Fixed Penalty Notices issued. The level of income is expected to be minimal as FPNs will only be issued as a last resort.
- 3.16 There is no formal appeal procedure to support enforcement. A formal route of appeal is not recommended as regulations do not require the introduction of an appeals process to support enforcement.
- 3.17 A recipient of an FPN could informally query it with the Council, using the complaints process. Alternatively a request in writing for a hearing can be made no later than 28th day after the day the FPN was issued. A hearing is effectively a prosecution in court. The FPN falls once a hearing has been requested.
- 3.18 Regulation 14 of the RTVE allows authorised officers in discharging their functions under regulation 12 (see para 3.11 above) to require the driver of the vehicle to disclose his name, address and date of birth and if the vehicle is not registered in his name, to give the name of that person. A person who fails

to provide the information shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Consultation

3.19 Consultation will not be required as these powers form part of the Council's AQAP which was consulted on for a six weeks period 15th June 2017 to 27th July 2017. The AQAP was approved by Cabinet in October 2017.

Publicity

3.20 Maximum publicity will be carried out well before the scheme is implemented to ensure that the scheme is understood, accepted and supported by the majority of motorists. Various mediums will be used to publicise the scheme including the Council's website, press release, local newspapers and anti – idling signs being put up at idling hot spot locations across the borough.

Resourcing

3.21 There will be no cost implications in implementing the scheme as existing systems for the issuing of FPNs and recovery of fines will be utilised. The function can be absorbed into existing enforcement activities of the borough.

4. **EQUALITIES IMPLICATIONS**

4.1 The enforcement power is to support the Council in achieving the objectives of the AQAP to improve air quality and to tackle air pollution caused by road traffic. An Equality Analysis Checklist has been carried out within Appendix Two and has found positive effects in improving air quality across the borough.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 Best Value implications: The ability to issue FPNs will help the Council in achieving the air quality objectives and demonstrate to external regulators that the Council is committed to improving air quality within its area. Improvements in air quality will benefit everyone in the borough.
- 5.2 Environmental considerations: By designating the Borough as an anti-idling Borough, will have a localised impact on air quality in areas that suffer from vehicular waiting i.e. around schools. The impact will be generally localised but will raise public awareness concerning air quality.
- 5.3 The ability to issue FPNs for stationary idling vehicle offence will improve air quality and reduce complaints from residents.

- 5.4 The Council currently benefits from being a Cleaner Air Borough status from the GLA. Failure to deliver on a commitment made in the AQAP could result in the Council losing its Cleaner Air Borough status.
- 5.5 Crime reduction: There are no crime and disorder implications, although it is recognised that failure to pay a fixed penalty notice may result in a Court Hearing and possible conviction. The number of cases is expected to be very low due to level of fine and the process of Officers having to request the vehicle driver to turn their engine off before issuing a fixed penalty notice.
- 5.6 Safeguarding: This initiative will have the opportunity to improve localised air quality around areas of vehicular concentration i.e. around school. This will give the opportunity to improve localised air quality and therefore have a positive impact on the health of children.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report seeks the authorisation of the use of powers under the Road Traffic (Vehicle Emissions) Fixed Penalty) (England) Regulations 2002 and to delegate authority to Corporate Director, Place to make use of these powers to issue Fixed Penalty Notices (FPNs) and take legal proceedings for stationary engine idling offences.
- 6.2 The regulations stipulate the penalty for an offence is £20 which will increase to £40 if not paid within 28 days. There is no discretion to amend the charge.
- 6.3 There will be no impact to the service revenue budgets arising from the implementation of these powers. The cost of issuing FPNs will continue to be met from the existing enforcement revenue budgets. Income generated is not expected to be significant as the issue of a FPN will only be carried out as a last resort.

7. LEGAL COMMENTS

- 7.1 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 ("the 2002 Regs") empowers local authorities to issue fixed penalty notices to users within their areas who contravene or fail to comply with Section 98 of the Road Vehicles(Construction and Use) Regulations 1986. These regulations are concerned with emissions of smoke, vapour etc and allow enforcement by Fixed Penalty Notice ("FPN").
- 7.2 Regulation 6(3) of the 2002 Regulations states that a local authority "may authorise any officer of the authority, or any other person, in any area of that authority to (a) stop the commission of stationary idling offences; and (b) to issue a fixed penalty notice "

- 7.3 Regulation 7 of the 2002 Regulations states that FPNs can be issued in relation to stationary /idling motor vehicles if a driver unreasonably refused a request to turn off their motor vehicle subject to certain exceptions e.g. owing to the necessities of traffic eg when vehicles are queuing at traffic lights or where an engine is being run so that a defect can be traced and rectified.
- 7.4 Any offence in relation to regulation 12 (see para 3.11 above) can attract a fine not exceeding level 3 on the standard scale i.e up to the sum of £1,000.
- 7.4 Section 101 of the Local Government Act 1972 enables the Council to delegate authority to the Corporate Director, PLACE to authorise officers to make use of these powers to issue fixed penalty notices.
 - Part 3.1.3 of the Constitution also states that the discharge of functions relating to the control of pollution or the management of air quality is delegated to the Corporate Director which will include the issuing of Fixed Penalty Notices.
- 7.5 When considering these proposals, 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). To inform the Council in discharging this duty, an Equalities Checklist has been completed and a copy is attached to this report as Appendix 2. If the recommendations in this report are adopted, the issuing of FPN's should be monitored to ensure that if those with protected characteristics are affected, appropriate action is taken.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

- Appendix 1 Air Quality Management Area Order 2000
- Appendix 2 Equalities Action Checklist

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

- The London Borough of Tower Hamlets Air Quality Action Plan 2017-2022
- The Department for Transport guidance on powers to require drivers to switch off engines
- The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002

Officer contact details for documents:

David Tolley
Muhammad Islam



London Borough of Tower Hamlets Environment Act 1995 Section 83

THE LONDON BOROUGH OF TOWER HAMLETS

AIR QUALITY MANAGEMENT AREA ORDER 2000

Dated the Sixth day of December 2000

LONDON BOROUGH OF TOWER HAMLETS

ENVIRONMENT ACT 1995 SECTION 83

THE LONDON BOROUGH OF TOWER HAMLETS

AIR QUALITY MANAGEMENT AREA ORDER 2000

London Borough of Tower Hamlets of Town Hall, Mulberry Place, 5 Clove Crescent, London. E14 2BG ("the Council") in exercise of the powers conferred upon it by the Environment Act 1995 Section 83 makes the following order.

- This order may be cited as the London Borough of Tower Hamlets Air Quality
 Management Area Order 2000 and will come into operation on the sixth day of
 December 2000.
- 2. The area that is (outlined in red) on the plan and sealed with the common seal of the Council is declared to be the air quality management area ("the designated area"). The map is deposited at the offices of the Council.
- 3. This Order may be varied or revoked by a subsequent Order.
- When this Order comes into operation the Council will cause further assessment to be made of the quality for the time being and the likely future quality of air within the designated area and the respects in which it appears that air quality standards or objectives are not being achieved or are not likely to be achieved within the designated area and report the findings within I2 months.
- 5. Within 12 months of this order coming into operation the Council shall prepare a written 'Action Plan' in order to pursue the achievement of air quality standards and objectives in the designated area.
- 6. The written 'Action Plan' shall include a timetable for the Council's implementation of each proposed measures in the action plan.
- 7. The Council may revise the area and/or the action plan from time to time.

DATED the sixth day of December 2000

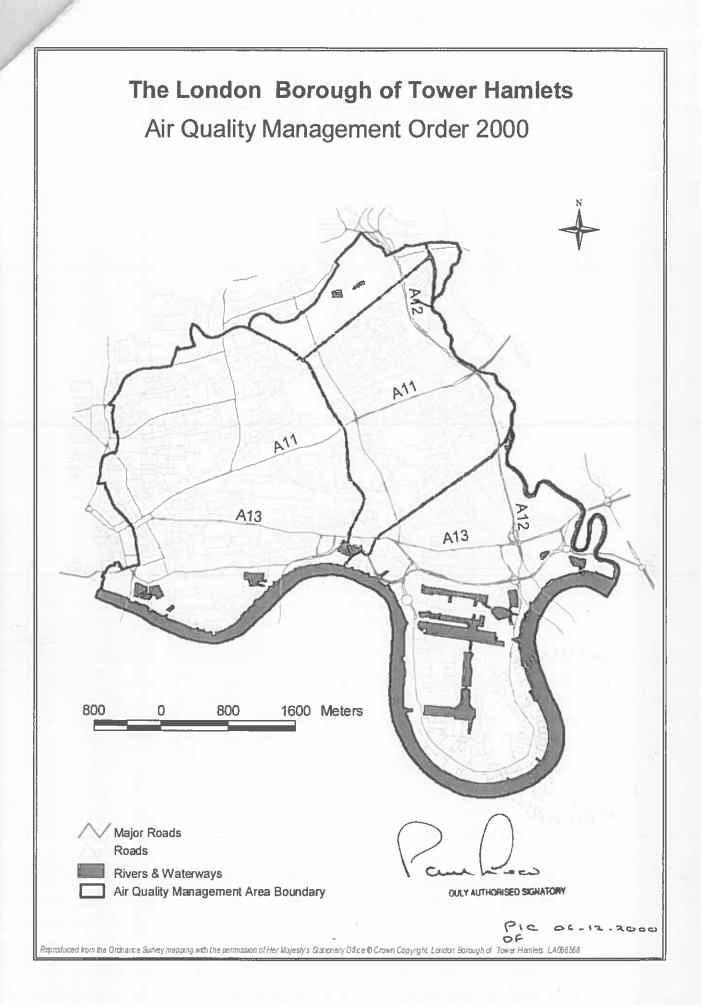
THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF TOWER HAMLETS)
was hereunto affixed by Order)

PIC 06-12-2000

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02/1174

THE Y ALTHORISED SIGNATORY





Appendix Two: EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented	Anti-idling designation in the London Borough of Tower Hamlets
Directorate / Service	Place/ Environmental Health & Trading Standards
Lead Officer	David Tolley/Muhammad Islam
Signed Off By (inc date)	
Summary – to be completed at the end of completing the QA (using Appendix A) The proposal is not expected to have any negative impact on any group. Overall, the impact is expected to be positive across all groups. Certain groups (the very young, the old, those with respiratory problems) may benefit more from the proposal.	As a result of performing the QA checklist, this proposal does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage. However, the effects of any enforcement will be reviewed as necessary if protected groups are adversely affected.

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		
а	Are the outcomes of the proposals clear?	Yes	The report proposes issuance of fixed penalty notice (FPN) to drivers who idle their vehicle engines unnecessarily and who refuse to switch off their engine when requested to do so by an authorised officer of the borough. The Council has a statutory duty to comply with the London Local Air Quality Management (LLAQM) Regime under the Environment Act

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D ₂	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	1995 and have subsequently adopted an Air Quality Action Plan (AQAP). The AQAP commits to introducing FPNs for drivers who unnecessarily idle their vehicle engine. Enforcement of idling vehicles will contribute to reducing (i) emissions of air pollution and (ii) exposure to air pollution, thereby benefiting all residents in the borough. Only the drivers who fail to switch off engine when requested to do so will be subject to an FPN of £20. FPNs will not be issued to drivers who are cooperative. The proposed actions (via the reduction of emissions and exposure) are envisaged to benefit all residents in the borough to a greater or lesser degree.
3	2 Monitoring / Collecting Evidence / Data and Consultation			ultation
100	а	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	Research has been cited which supports the claims made in the paper concerning impacts of poor air quality in the borough from transportation sources.
		Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	Data on the effects of poor air quality on the general population of Tower Hamlets has been cited.
	b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	Enforcement to be undertaken by Environmental Health staff, Tower Hamlets Enforcement Officers and Civil Enforcement Officers.
	С	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Action point 58 of the Tower Hamlets Air Quality Action Plan 2017-2022 commits the Council to becoming a designated authority to issue FPNs to idling drivers. The AQAP was widely consulted upon before adoption. A detailed publicity campaign will also be run before the proposal comes into effect.
	3	Assessing Impact and Analysis		
	а	Are there clear links between the sources of evidence	Yes	Refer to 2a above

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	(information, data etc) and the interpretation of impact amongst the nine protected characteristics?		
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	The proposal to issue FPNs will have positive benefits for all residents. The only negative impact will be on drivers (regardless of their background) who refuse to switch off their idling engine when requested to do so by an authorised officer.
4	4 Mitigation and Improvement Action Plan		
а	Is there an agreed action plan?	Yes	The report outlines an action to improve air quality as part of a suite of measures by issuing FPNs to drivers who idle their engines unnecessarily and refuse to switch off engine when requested by an authorised officer.
b	Have alternative options been explored	Yes	A 'do nothing' option was considered.
5	Quality Assurance and Monitoring		
а	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The scheme will be kept under review on an on-going basis to monitor enforcement activity.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	No	The service will monitor the impact of the proposal in terms of number of requests made to switch off engines, number of FPNs issued, number of FPNs paid within 28days. Aside from the above, in terms of the health impacts across the protected characteristics, there are no mechanisms in place to <i>directly</i> examine their differential impacts. However, they are expected to be positive across all groups.
6	Reporting Outcomes and Action Plan		
а	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes	

Appendix A Equality Assessment Criteria

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

Cabinet 25 July 2018	TOWER HAMLETS
Report of: Zena Cooke, Corporate Director, Resources; Sharon Godman, Divisional Director, Strategy, Policy and Performance	Classification: Unrestricted
Supporting the Local Economy – Social Value Framewo	rk

Lead Member	Councillor Candida Ronald, Cabinet Member for Resources and the Voluntary Sector
Originating Officer(s)	Keiko Okawa, Senior Strategy, Policy and Performance Officer, Governance
	Zamil Ahmed, Head of Procurement
Wards affected	All
Key Decision?	No
Forward Plan Notice	25 June 2018
Published	
Reason for Key Decision	N/A
Community Plan Theme	All

Executive Summary

This report sets out a proposal for the introduction of a Social Value Framework for the Council (Appendix A). Evidence shows that social value can help the Council continue delivering the economic, social and environmental benefits for the community and support the voluntary and community sector in the Borough. Social value can also help tackle the cost pressures that the Council is facing. The Framework sets out how the Council's existing social value practices will be enhanced to maximise the benefits for local voluntary and community sector groups, residents and businesses.

The Council is committed to supporting the local economy, voluntary and community sector organisations, residents and businesses and already undertakes a number of activities in relation to social value to support the local community. The proposed framework will build upon the Council's existing social value practice and with the implementation of planned further work. The Framework will help the Council approach social value more consistently and enable the Council to achieve the priorities identified in the Strategic Plan 2018-21.

The development of a social value policy is also part of the actions agreed following the Social Value Act Scrutiny Challenge Session published in April 2017 (Appendix

B: Scrutiny Review recommendations). The draft social value framework is informed by research that the Council commissioned from Social Enterprise UK (SEUK).

The Council's social value work so far has highlighted that social value practices cannot be improved solely by the adoption of a policy, rather it will be achieved through a 'social value journey', i.e. long-term and constant commitment and effort. The report also sets out a number of proposed actions, including the development of a Social Value toolkit for the Council services and potential suppliers, and working with the Tower Hamlets Partnership and its constituent members.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. Approve the attached draft Social Value Framework (Appendix A)
- 2. Approve the further development of the Council's social value work as set out at 3.16.

1. REASONS FOR THE DECISIONS

1.1 The benefits of social value practice have been widely recognised and the Council already undertakes a number of activities in relation to social value. The Overview and Scrutiny Challenge report on the Social Value Act published in April 2017 also recommended that the Council develop a Social Value Policy. The implementation of the social value framework and proposed actions will ensure the council delivers the greatest benefits from social value for residents, businesses and voluntary and community sector organisations.

2. ALTERNATIVE OPTIONS

2.1 The Council could choose not to develop a policy framework. However, the lack of policy will limit the Council's ability to enhance and embed effective social value practice across the Council.

3. DETAILS OF THE REPORT

- 3.1 The Public Services (Social Value) Act 2012 (the Act) requires certain public bodies, including local authorities, to give consideration to improving "the economic, social and environmental well-being of the area" (social value) when commissioning services whose value is above specified procurement thresholds at the pre-procurement stage.
- 3.2 Local authorities are encouraged to apply the concept of social value to their practices wider than the requirement set out by the Act (Cabinet Office 2015; DCLG 2015), where it is relevant to the contract and deemed to be beneficial. As a result of the guidance, public bodies may:

- Apply social value to cover contracts for goods or works, or other types of contracts such as asset disposal or planning
- Apply social value below the threshold set out in legislation
- Consider social value at later stages of the procurement process.
- 3.3 Benefits of the Social Value practices are widely acknowledged. For example, "Social Value Act Review" (Cabinet Office, 2015) states that the Review found a range of benefits being delivered by the Act. The most notable benefits of the Act was commissioners use the social value to tackle the cost pressures they are facing, which has a potential to secure value for money, if implemented well. Social Value UK also identifies some benefits of social value based on case studies. They include:
 - 1. Manage our businesses to deliver the maximum social impact
 - 2. Enhance stakeholders and clients engagement
 - 3. Motivate staff as well as stakeholders through visualising the difference they are making
 - 4. Bring value for money as well as additional social and environmental benefits from contracts.
- 3.4 The Council's Social Value Policy Delivery Group, which developed the Social Value Framework, are also clear that commissioning and procurement activity within the Council can be used as a lever to achieve our strategic objectives and deliver positive outcomes for the residents. The Group also expects the following benefits to accrue from social value practices:
 - A thriving voluntary and community sector
 - More effective co-design and co-production of services
 - Increased social capital and community empowerment
 - Delivery of sustainable preventative outcomes.

The Council's social value practices in place – Economic and Community Benefits Schedule

- 3.5 The Council's established approach to social value is to secure additional economic and community initiatives, including employment, training and local enterprise opportunities through the commissioning process. Social Value is embedded into the Council's procurement procedures the Local Economic and Community Benefits clauses should be included in tender documents of all relevant contracts valued at and/or above £100k and some of the contracts below £100k. Currently, the Economic and Community Benefits has a 5% weighting in the tender evaluation. The Growth and Economic Development service supports suppliers to deliver local benefits through social value. This Council's innovative approach was recognised by three key national awards:
 - National Go Awards: Excellence in Public Procurement (March 2014)
 - London Boroughs Award: Best work with supply chain/local businesses to create new Apprentices (September 2014)

SOPO Awards: Excellence in delivering Social Value – Finalist (April 2015).

Social Value Exchange pilot project

- 3.6 In March 2018, the Council piloted the Social Value Exchange as part of the commitment to social value to maximise the community benefits from the procurement. This was also in response to an action identified in the Council's approved Voluntary and Community Sector Strategy (2016-19), i.e. to identify potential external funding sources to expand and diversify the resource base of local Voluntary Community Sector organisations.
- 3.7 The Social Value Exchange matches the resources of suppliers with local community based organisations during procurement exercises. The premise is that while suppliers are required to create Community Benefits, they are not ideally positioned to do this. They often lack local insight and do not necessarily have plugged into local networks. However, suppliers do have resources. Local community based organisations do have insight and are plugged into local networks, but their resources are strained. The Social Value Exchange matches these organisations during the procurement process to achieve a win-win: suppliers discharge their Social Value responsibilities by offering resources for example, bid writing expertise, laptops and access to office space and community organisations can use these resources to continue delivering their local projects.
- 3.8 As part of the pilot, three local organisations, Toynbee Hall, Spitalfields City Farm and Providence Row worked with the Council and Social Value Exchange team to identify the resources they would find most valuable. These resources were then set out in the procurement exercise.
- 3.9 The Social Value Exchange has been used by a number of councils and G15 housing associations. To date, approximately £23m of procurement spend has been put through the platform and around £500k of resources have been ring-fenced for local community organisations. The platform has been designed to deal with high volumes of procurement and can be integrated with existing contract management systems to ensure data can be shared and processing time reduced. The Social Value Exchange also includes a performance dashboard that tracks how much supplier resource has been ring-fenced, where it has been allocated and what community organisations do with the resource.
- 3.10 The pilot aimed to demonstrate two things:
 - 1. The procurement exercise could meet its Social Value target of achieving £28k of community benefits. Early feedback shows that individual suppliers offered between £29,115 and £81,524, therefore meaning that the target has been met.
 - 2. The Council wanted to ensure that the technology worked. There were no issues with the use of the Social Value Exchange and it supported a well-run procurement exercise.

3.11 Once contract award has been announced, the Council and the Social Value Exchange team will ensure the resources ring-fenced in the procurement exercise are used effectively by local community organisations.

Social Value Framework

- 3.12 The Social Value Framework (Appendix A) sets out the Council's intention to build on our existing social value approach, broadening the scope of how we interpret social value to include a wider range of key priorities for the Council.
- 3.13 Alongside this framework, documents which support the delivery of social value (e.g. toolkit) will be developed. Other key points that the Framework states include:
 - The social value objectives will be aligned with the Tower Hamlets strategic plan priorities
 - Risks arising from the social value practices will be identified and managed.
 - Training on social value practices will be given to relevant officers.
 - A social value officer post, potentially funded through the social value benefit elements of commissioning, will be created. This will sit at the corporate level.
 - A time-limited social value working group will be set up. The group will develop an action plan based on the recommendations of the research and oversee the rollout of social value, including the development of a toolkit.
- 3.14 The consultancy Social Enterprise UK was engaged and tasked to develop a set of social value recommendations. These recommendations are attached in Appendix C. Some of the recommendations relate to the framework, and have been considered in its drafting; some relate to actions to be taken outside of the framework by the Council and potentially the wider partnership.

Relation to other council strategies and policies

3.15 The social value framework has interconnections with some other council policies. These are summarised in the table below.

Council strategies/policies	How do they relate to the draft Social Value Framework?
Strategic Plan	The draft framework shows the alignment with the Strategic Plan priorities. The output schedules will be aligned with the priorities
Procurement Strategy	The introduction to the Strategy stresses the need to deliver social value alongside the duties of value for money and cost control. Economic regeneration and apprenticeships are given as examples; the Social Value Framework can help broaden the scope of how the council understands social value.

Supply chain ethical code of conduct	The code of conduct outlines what we expect of suppliers' in terms of their own ethical practices within their firm and their supply chain (e.g. antidiscrimination and compliance with all labour laws). The Social value Framework builds on these minimum standards in areas such as environmental protection and challenges suppliers to go further than compliance.
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Next steps

- 3.16 The internal stakeholders have been engaged through the Delivery Group and DLTs and CLT. Key comment was to ensure that bidders, including small organisations, are well supported to participate in the procurement process and social value practice. This will be considered when a toolkit is developed and a support plan for bidders is developed. Other key actions to embed social value in the Council practices include:
 - A corporate-level, time-limited Social Value working group will be set up (June 2018). This group will develop an action plan to drive social value practices in the Council, oversee the rollout of social value and be involved in developing the toolkit for the Council officers and bidders.
 - A programme of social value training and capacity-building will take place within a core set of staff involved in procurement and commissioning (by March 2019).
 - Recruit a fixed-term Social Value Officer post, which will be funded by the Social Value Benefit accrued from commissioning to accelerate the project progress.
- 3.17 The Council's Communications service will help the initiative be well communicated and the Council engage key stakeholders. Below are key planned communication actions:
 - Promote the work with media and across the Council's Communications outlets including Our East End, website and social media.
 - Demonstrate that Social Value works are closely aligned with wider Council priorities, including support for Community Voluntary Sector, and local businesses.
 - Inform the Council staff of the benefits of social value to achieve the strategic priorities.

4. EQUALITIES IMPLICATIONS

4.1 Adopting the Social Value Framework has no implications on equalities. However, the implementation of the social value practice can be used to address inequalities in the borough. The development of toolkits will further clarify the impact of the use of social value to tackle inequalities in the Borough.

5. OTHER STATUTORY IMPLICATIONS

5.1 Adopting the Social Value Framework has no further statutory implications. The implementation of the social value practice can help address issues in the borough and further improve the quality of life of the community.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

There are no direct implications arising from the development of the social value policy framework however funding for the creation of a dedicated post and the implementation of recommendations will need to be identified. This will need to be included as a growth bid with the associated business case as part of the Council's medium term financial strategy process.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Public Services (Social Value) Act imparts the duty on the Council to consider how the subject matter of the proposed procurement might improve the economic, social and environmental well-being of the relevant area and how in conducting the process of procurement, the Council might act with a view to securing that improvement.
- 7.2 In order to comply with this duty, the Council must consider the subject matter of the procurement (including where necessary undertaking consultation if reasonably necessary to apply appropriate consideration) and then take action which is proportionate to further that duty.
- 7.3 To this extent the proposed policy is compliant with the law.
- 7.4 The Council is also obliged to comply with its Best Value Duty under Section 3 of the Local Government Act 1999. In effect, the Council must implement continuous improvement in the provision of its goods works and services having regard to the economy efficiency and effectiveness.
- 7.5 Therefore, in order for these two acts to harmonise, it is permissible for the Council to take into account the Social Values element of the procurement when considering the overall effectiveness of the scheme for the purposes of Best Value.
- 7.6 This means that it also is permissible for the Council take into account social values factors as part of the evaluation. However, these factors must form part of the pre-advertised evaluation criteria.
- 7.7 However, for the purposes of the procurement law the Council is restricted from favouring any bidder in a tender process. This includes by reason of the geographical location of the bidder. Therefore, the geographical location of the bidder cannot in itself be a evaluable factor. The focus of the Social Values element is to be on the effect of the procurement on that area rather than the normal location of the provider.

- 7.8 Having said this, it may be likely that a locally based provider may have an advantage for the purposes of Social Values. However, this is permissible provided that:
 - The tender does not restrict the ability of another provider setting up locally to provide the contract and
 - Social Values as an evaluation criteria is restricted to not more than 10% of the total score available for quality under a particular tender
- 7.9 Under Section 149 of the Equality Act 2010 the Council must:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These activities constitute the improvement of the well being of people in the relevant area and therefore, the Social Values Act supports the Council's Equality Duty and allows for the furtherance of equality related objectives within the tender process.

7.10 As regards the policy itself and equalities, the Council has planned to undertake appropriate Equality Assessments from time to time as the tool kit is developed and each aspect of the policy implemented.

Linked Reports, Appendices and Background Documents

Linked Report

• Report of the Overview and Scrutiny Committee: Social Value Act (Cabinet, 27 February 2018)

Appendices

- Appendix A Draft Social Value Framework
- Appendix B Recommendations from the Overview and Scrutiny Challenge report on the Social Value Act
- Appendix C Recommendations from commissioned research
- Appendix D Equality Checklist

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

None.

Officer contact details for documents:

Keiko Okawa (ext. 3046); Zamil Ahmed (ext. 4385)

Social Value Framework

Introduction

Tower Hamlets Council is committed to delivering better outcomes for residents. There is a growing awareness that commissioning and procurement can contribute directly to achieving the council's broader strategic objectives.

In adopting a social value framework, the council will be bold, and adopt a more social model of public procurement, as part of efforts to deliver fairness for residents.

Beyond the requirements for Value for Money and cost control, the Procurement Strategy explicitly recognises the key role that social value in procurement and commissioning activities can play in achieving the broader objectives of the council.

Through this framework, we will set out our intention to build on our existing Community Benefits approach, broadening the scope of how we interpret social value to include a wider range of key priorities for the council.

Alongside this framework, documents will be developed for key officers working in procurement and commissioning, as well as for potential suppliers, to help them understand how the council interprets social value and how they can tailor their bids to best fit the approach.

This framework is not intended to specify all of the procedures to be used internally around social value. The aspects relating to the procurement process such as weightings and thresholds will be developed further in separate documents.

Legislative Background

The Public Services (Social Value) Act 2012 (the Act) requires certain public bodies, including local authorities, to give consideration to improving "the economic, social and environmental well-being of the area" (social value) when commissioning services whose value is above specified procurement thresholds (£181,302 for supplies and services and £4,551,413 for works - OJEU threshold) at the pre-procurement stage.

Local authorities are encouraged to apply the concept of social value to their practices wider than the requirement set out by the Act (Cabinet Office 2015; DCLG 2015), where it is relevant to the contract and deemed to be beneficial. As a result of the guidance, public bodies may:

- Apply social value to cover contracts for goods or works, or other types of contracts such as asset disposal or planning
- Apply social value below the threshold set out in legislation
- Consider social value at later stages of the procurement process

Defining Social Value

Social Value refers to the extra social, economic and environmental benefits that can be secured throughout the commissioning and procurement cycle. Within the tender evaluation, one way of interpreting social value could be as an extension of the

'quality' aspect of the evaluation. The aim of the council is to maximise the social value obtained for every pound spent, whilst continuing to uphold the principle of value for money.

Strategic Fit

The social value objectives will be aligned with the Tower Hamlets Strategic Plan. The plan is organised around three themes, under which sit a set of priorities. The draft priorities for the year 2018/19 are reproduced below.

People are aspirational, independent and have equal access to opportunities

- People access a range of education, training and employment opportunities
- Children and young people are protected so they can realise their potential
- People access joined-up services when they need them and feel healthier and more independent
- Inequality is reduced and people feel that they fairly share the benefits from growth

A borough that our residents are proud of and love to live in

- People live in a borough that is clean and green
- People live in good quality affordable homes and well-designed neighbourhoods
- People live in safer neighbourhoods and anti-social behaviour is tackled
- People feel they are part of a cohesive and vibrant community

A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough

- The Council is open and transparent putting residents at the heart of everything we do
- The Council works collaboratively across boundaries in strong and effective partnerships to achieve the best outcomes for residents
- The Council continuously seeks innovation and strives for excellence to embed a culture of sustainable improvement

Using these priorities, we intend to build on our existing Community Benefits approach to develop a number of schedules to broaden the approach beyond employment, skills & enterprise. Examples of such schedules can be found in the appendix.

Governance and Implementation

The implementation of a social value framework in Tower Hamlets will be overseen by a working group with representatives from across the council. The involvement of services as well as procurement and legal in the group is key to ensuring that social value is embedded across the council. This group will develop an action plan to drive social value practices in the Council, oversee the rollout of social value and will be involved in developing the toolkit which will include the expanded community benefits schedules.

We will also explore further ways to collaborate with our partners in the Tower Hamlets partnership, such as developing a shared social value pledge and facilitating the exchange of experience and good practice.

Measurement and Monitoring

In order to develop our approach, the working group will establish innovative ways of measuring social value beyond the monetary aspects. Guidance on how to measure social value will be included in a toolkit. In addition to the expanded output schedules (see samples in appendix), tools will be developed which aim to capture and measure the level of social value outcomes and impact. In terms of the evaluation of bids, one way of building social value into our existing approach is to include it as part of the 'quality' aspect of the scoring, as there is a degree of overlap with existing elements of the quality component.

The focus on social value should apply not only at the procurement stage at which commitments are given, but also throughout the lifetime of the contract, so that we can demonstrate the level of social value benefits that are being delivered, as well as promised at the tender stage.

We will also be bolder in experimenting with different weightings and lowering the threshold at which social value is considered. We can then monitor and review the results of these in order to find out what works best in different markets and with different sizes of contract. We will extend the application of social value to other types of contract, such as services.

What Does Success Look Like?

When social value is embedded in our commissioning, procurement and contracting processes, we should be in a position to evidence that social value benefits are having a direct impact on achieving our strategic objectives. Beyond this, there are wider strategic benefits to be gained from social value:

- A thriving voluntary and community sector
- More effective co-design and co-production of services
- Increased social capital and community empowerment
- Delivery of sustainable preventative outcomes

Reporting and Review

The benefits realised as a result of the expanded schedules will be reported to the Strategic Procurement Board and Corporate Leadership Team on a regular basis. The reporting structure will be agreed at a working group meeting.

Risk Management and Capacity Building

The council will identify and manage any risks arising from social value practices. Currently identified such risks include possible legal challenge from some bidders if we are unable to develop coherent ways to understand social value - which can in some instances seem intangible - that are accepted by suppliers. However, the guidance from government and the experience of similar authorities suggest that the risk of such challenges is low.

The council will train a core group of contract managers and commissioners with the skills and knowledge required to successfully implement social value. Council officers will be supported to embed the Social Value agenda in their work.

In addition to this, the council will recruit a full-time Social Value Officer post, which may be funded via the Social Value Benefit accrued from commissioning. The post holder will advise on the implementation of social value, and lead on the monitoring and reporting of social value delivery. In addition to acting as an internal point of contact, this officer will be a liaison point for suppliers. The Social Value Officer will work closely with the services with particularly focus on the economic, social and environmental aspects of specification, evidencing delivery and outcome-based measurement.

Appendix: Sample Social Value Output Schedules

Economic:

- Local jobs created and sustained
- Apprentices
- Work experience for school age, young people and long term unemployed
- Local issue focussed objectives; tackling poverty, ensuring equality, representative of the community
- Internal/external training provision
- Locally based businesses using local suppliers and sub-contractors where appropriate
- Other local investment

Environmental:

- Local travel planning/reduction
- Reducing carbon footprint/pollution controls
- Minimising waste through re-use, recycling, supporting the circular economy
- Using sustainable, environmentally friendly goods and assured supplies and products
- Efficient energy use and reduction
- ISO 14001 environmental management systems

Social:

- Community engagement
- Promoting cohesion and integration
- Supporting local community groups and charities
- Contributing to council initiatives
- Ethical supply chains
- Supporting local culture and heritage including events sponsorship
- Volunteering and community service activities

Recommendations by Social Value Act: Scrutiny Challenge Session Report

R1: That the Council develops a Social Value Policy including associated social value priorities and carries out a review of synergies and linkages with other complementary Council policies and strategies.

R2: Develop an approach to monitoring and measuring the social value outputs and deliverables; this could be through a standard framework, flexible to needs and nature of each contract.

R3: Examine the options to develop a social value impact and outcomes assessment tool, to determine the impact of social value activity and gauge its contribution to the Mayoral priorities.

R4: Determine an approach to cross organisation working to ensure that there is collective ownership of social value throughout the commissioning and procurement cycle.

R5: Develop a Social Value Communication and Engagement Plan to ensure that providers and communities are aware of the opportunities and impact of social value delivery in Tower Hamlets.



Appendix C - Recommendations from commissioned research

No.	Recommendation
1	The Council should look at building the capacity, skills, and knowledge of contract managers and commissioners across the Council.
2	The Council's Social Value Delivery Group should form the first step towards forming a broader and outward looking "Social Value Taskforce" which ultimately takes forward social value across all organisations operating in the Borough. There is a fairly well-established partnership path for such Taskforces involving the adoption of social value charters and toolkits, which can be drawn on by The Council.
3	Consider changing the portfolio name of the Cabinet member for Resources to incorporate social value.
4	The Council and its partners should consider adopting social value champions to drive social value
5	The Council retains, builds on and refines the community benefits schedule.
5a	As part of the refresh of the community benefits schedule, the initial focus should be given to four areas: the three priorities listed in the Council's strategic plan and the Marmot principles (see next recommendation)
5b	Consideration should be given to incorporating the Marmot principles into the community benefits schedule.
5c	Consultation on the community benefits schedule should be wide and include internal and key external stakeholders
6	The community benefits schedule should be reported on to senior management teams and at Cabinet level
7	The City of London's approach to scoring suppliers' social value should be considered as it provides an objective approach for tender evaluation.
8	The Council should seek to measure the impact if it does decide to increase weighting for social value; framework agreements, where quality is to some extent already factored in, may provide a good starting point for increased weighting.
9	The Council should consider amending the standard contract terms if necessary to encourage suppliers to monitor their own economic impact
10	The Council should consider inserting clauses into its standard terms asserting the ownership of data generated by contracts with the Borough
11	The Council should consider being bolder in weighting for social value, trial different levels for different contracts, and monitor and review the results to find what works for it in different markets and with different sized contracts
12	Social value offers need to form part of the contractual clause to ensure delivery. This can be achieved by building social value into the tender specification at the outset, or the community benefits can subsequently inserted into the contract
13	The Council should trial weighting for social value without the community benefits schedule in some (particularly non-construction related) contracts in order to encourage innovative service delivery.
14	The Council should consider that a similar exercise can be carried out at lower value contracts, bringing together contract managers from the different Directorates. This has many advantages. It would help develop staff, it would provide an external but considered and safe challenge, and it would help spread best practice across the council.
15	The Council should consider where appropriate a presumption in favour of SMEs and small VCSE organisations in below threshold expenditure.
16	The Council should consider putting a greater focus on environmental issues when scoring, for example exploring how organisations seek to minimise the carbon footprint of their staff travelling to work or how organisations seek to minimise congestion – such measures indirectly tend favour local employment whilst also addressing other council priorities.
17	The Council should put a greater focus on local economic considerations in scoring. Government Procurement Policy Note 11/16 outlines how this can be done, and the Guidance and Annexes are of considerable interest

18	The Council should amend its ethical supply chain policy to allow the Council to ask suppliers to provide the (first part of the) postcodes of staff working on Council commissioned projects. This begins to illustrate organisations' local impact, and begins to send out a message to suppliers and potential suppliers that using local staff is important to the Council.
19	The Council should consider reflecting on how it sees its procurement function, be bold, and explicitly consider a more social model of public sector procurement as part of its efforts to deliver fairness to residents. Consideration should be given to how the Council promotes the development of social value, given the opportunities to be a thought leader in this space.
20 -	The Council should create a Social Value officer post to support, monitor and report on the delivery of the SV benefits secured more widely to its residents. To act as a central point of contact internally and a liaison point for suppliers. This can be self-funding from SV benefits. This postholder will work closely with economic development and services.

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)	Social Value Framework
Directorate / Service	Resources and Governance
Lead Officer	Zena Cooke, Corporate Director, Resources Sharon Godman, Divisional Director, Strategy, Policy and Performance
Signed Off By (inc date)	
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	As a result of performing the QA checklist, the policy does not appear to have any adverse effects on people who share Protected Characteristics and no further actions are

Stage	Checklist Area / Question	No/	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		
а	Are the outcomes of the proposals clear?	Yes	The Social Value Framework sets out how to support the improvement of the Council's social value practices. Once it

Appendix D

_				Appendix D	
		Is it clear who will be at is likely to be affected by what	Yes	is agreed, a number of actions will be undertaken to further define the social value and its practice for the Council. The actions include setting up a time-limited working group, which drives the social value agenda forward develops a toolkit for the council officers. The adoption of the Framework has no implications for	
	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?	res	equalities. However, it is expected that the implementation of social value will make positive impact on the community. The impact on equalities will be further examined when a toolkit is developed.	
	2	Monitoring / Collecting Evidence / Data and Consultation			
	а	Is there reliable qualitative and quantitative data to support claims made about impacts?	N/A	The impact on equalities will be further examined when a toolkit is developed.	
		Is there sufficient evidence of local/regional/national research that can inform the analysis?	N/A	As above.	
200 122	b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	N/A	The impact on equalities will be further examined when a toolkit is developed.	
	С	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	The Social Value Delivery Group was represented by all the directorates of the Council, THH, THCVS and THCCG. They will continue representing the time-limited working group.	
	3	Assessing Impact and Analysis			
	а	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	N/A	The adoption of the Framework has no implications for equalities. However, it is expected that the implementation of social value will make positive impact on the community. The impact on equalities will be further examined when a toolkit is developed.	
	b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	N/A	As above.	
	4	Mitigation and Improvement Action Plan			
	а	Is there an agreed action plan?	Yes	The next steps are proposed in the report.	
	b	Have alternative options been explored	Yes	Do nothing was considered and the Delivery Group agreed	

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		that this option will not be advantageous for the Borough.		
5	Quality Assurance and Monitoring			
а	Are there arrangements in place to review or audit the implementation of the proposal?		The time-limited working group will drive the changes. The outcomes of the group's work will be submitted to the various decision-making bodies.	
b	Is it clear how the progress will be monitored to track impact across the protected characteristics??	Yes	The toolkit will consider implications of the social value practices for equalities.	
6	Reporting Outcomes and Action Plan			
а	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes		

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Agenda Item 6.5

Cabinet 25 July 2018	TOWER HAMLETS
Report of: Zena Cooke, Corporate Director, Resources	Classification: Unrestricted
Legal Council Tay Reduction Schome	•

Local Council Tax Reduction Scheme

Lead Member	Councillor Candida Ronald, Cabinet Member for Resources & the Voluntary Sector
Originating Officer(s)	Lee Fearon and Steve Hill – Benefits Services
Wards affected	All
Key Decision?	No
Community Plan Theme	A fair and prosperous community

Executive Summary

The Council needs to consider whether to make changes to its Local Council Tax Reduction Scheme for 2019/2020.

This report seeks the views from the Mayor in Cabinet to decide whether any proposed changes should be considered to the Council's existing Local Council Tax Reduction scheme and if so, to go out to public consultation on the proposed changes.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. Note and make representations on the proposed changes to the deductions applied in respect of disabled non dependants with a view to applying a maximum weekly deduction of £4 for disabled non dependants
- 2. Note and make representations on the proposal to retain the principle of applying the minimum income floor for self-employed residents together with an enhanced support package and the application of S13A discounts to avoid hardship
- 3. Note and make representations on the proposal to increase the current four week backdating provision to 52 weeks and remove the child allowance for families with more than two children (disregarding income that is not received within LCTRS), as outlined within the report
- 4. Note that officers will go out to public consultation on the proposed changes
- Note that officers will bring a report, setting out feedback from the consultation, back to the October Cabinet prior to a formal decision being taken

1. REASONS FOR THE DECISIONS

1.1 Background

- 1.2 Each year the Council needs to consider whether to make changes to its local Council Tax Reduction scheme (LCTRS).
- 1.3 The national scheme, Council Tax Benefit, was abolished with effect from 1st April 2013. A national scheme for pensioners identical to Council Tax Benefit has remained in place since 2013 and Local Authorities assumed responsibility for the design and administration of a local replacement scheme for working age residents.
- 1.4 Under Council Tax Benefit all awards were fully funded by central Government via an annual subsidy grant predicated on the total amount of benefit awarded. However, subsidy for LCTRS awards has been frozen at the amount awarded for 2012/13 less 10% since April 2013, representing a national reduction of funding to Local Authorities of £500m.
- 1.5 The Council continued to operate a LCTRS for working age residents which was broadly based on Council Tax Benefit for April 2013 to March 2017. Although this protected residents, the reduction in Government Subsidy meant there was a cost to the Council estimated at between £2m and £4m per annum.
- 1.6 Due to increasing financial pressures and the need to respond to the introduction of Universal Credit, the Council decided to change its LCTRS with effect from 1st April 2017.
- 1.7 In changing the scheme in 2017, the Council ensured that residents on the lowest incomes continue to receive 100% rebate of their Council Tax liability. Tower Hamlets remains one of only a handful of London councils who have retained this provision within their LCTRS since April 2013 and in doing so the Council has and continues to offer one of the most generous schemes in London. Appendix 1 provides a table of London Boroughs' minimum percentage Council Tax payments after the application of LCTRS.

2. ALTERNATIVE OPTIONS

- 2.1 The Council can consider making any changes to its LCTRS annually. Changes cannot be made in year.
- 2.2 Changes can only be made to working age households as pensioners are protected. Any changes must be subject to a meaningful full public consultation as required by the Local Government Finance Act 1992 which stipulates that changes can only be enacted from the start of the subsequent financial year.
- 2.3 The council can decide not to make any changes to the current scheme.

3. DETAILS OF REPORT

3.1 Local Council Tax Reduction (LCTRS) in the poverty context

3.2 In recognition of the levels of poverty within the Borough and the detrimental affect of the national welfare reform programme on low income residents, the Council has essentially maintained an LCTRS broadly similar to the previous national Council Tax Benefit scheme from 2013. However, this has meant

- that the cost of doing so (between £2m and £4m per annum) has had to be funded by the Council.
- 3.3 Therefore the ongoing challenge to the Council is to ensure the scheme is both cost effective and remains fair to both residents who rely on it and Council Tax payers.
- 3.4 To provide context as to the level of the challenge, the borough's latest poverty profile illustrates that according to HMRC's children in low income families local measure, around 18,875 children in Tower Hamlets were living below the national poverty line in 2015; this represents 31% of the children in the Borough, the highest rate in Great Britain. However, HMRC poverty rates take no account of the housing costs families pay, so understate poverty levels. Indeed 35,900 children in Tower Hamlets live in families that rely on Housing Benefit to pay their rent; this represents 58% of children, the highest rate in Great Britain (2016).
- In view of this the Council has previously decided it would be unfair to follow the lead of many other Councils which have moved away from a scheme based on 100% Council Tax liability as this would mean that most households will have to make a minimum payment towards Council Tax regardless of their income and circumstances. Instead, Tower Hamlets LCTRS retains 100% provision, which means the lowest income households qualify for a full reduction under the scheme and do not have to pay any Council Tax.
- 3.6 Consequently 69% of households entitled to LCTRS receive a 100% reduction, equating to 19,030 households against a total LCTRS caseload of 27,697.

3.7 Our current Local Council Tax Reduction Scheme

- 3.8 The Council's current LCTRS has been operating since April 2017 and is based primarily on the assessment criteria used for Council Tax Benefit. Consequently:
 - Maximum entitlement is based on 100% of Council Tax liability
 - Entitlement is based on the claimant's and partner's joint income and capital
 - Income is compared to set allowances identical to those used in the assessment of Housing Benefit
 - If total income is at or below the set allowances, maximum CTR is awarded less any non-dependent deductions
 - If total income is above the set allowances, 20% of the excess is subtracted from Council Tax liability and the remainder is awarded as CTR less any non-dependant deductions. Consequently the amount of Council Tax the resident is required to pay is the lower of either 20% of their income above the applicable allowances or the full Council Tax liability
 - Deductions from CTR are made in respect of non-dependants (adults other than the claimant and partner who live in the household)
- 3.9 However, the LCTRS differs from Council Tax benefit in respect of the following:

3.10 Non Dependant deductions

3.11 Unlike the former scheme the level of deduction applied under the current LCTRS is based on the non-dependants' total income which is inclusive of any benefits they get (which includes disability benefits). The deductions applied under the current scheme are set out below:

Non Dependants aged 18 and over - all income	Weekly deduction
- gross income: less than £195.00	4.00
- gross income: £195.00 to £281.99	8.00
- gross income: £282.00 to £370.49	12.00
- Income £370.50 per week and above	No CTR
- Lowest Deduction	4.00

3.12 If any individual non-dependant's total gross weekly income is £370.50 or above the applicant will not be entitled to CTR.

3.13 Capital

3.14 Under the current scheme the capital limit for working age applicants decreased from £16,000 to £6,000. If the claimant/partner has capital in excess of £6,000 they will not be entitled to CTR.

3.15 Self-employed Claimants

- 3.16 A minimum income floor (MIF) equivalent to 35 hours at National Living Wage is applied to claimants who have been self-employed for 12 months or more and have declared earnings below the MIF level. A benefit of using the MIF for self-employed people allows the Council to support and encourage residents to increase their earnings and reduce the risk of a significant loss of benefit when they migrate to Universal Credit.
- 3.17 The MIF was applied from 1 April 2017 for claimants who had completed 12 months self-employment at this date and from the date on which 12 months self-employment is completed for claimants who had worked less than 1 year at 1 April 2017
- 3.18 This mirrors the assessment criteria applied in Universal Credit (UC) which is currently being implemented in Tower Hamlets. Under UC the Council no longer has the information previously available through Housing Benefit to establish the claimant's financial circumstances.

3.19 Absence from home

3.20 Generally, the period during which a claimant can retain entitlement to CTR whilst absent from the UK reduced from 13 weeks to 4 weeks. This aligns the Council's LCTRS with the rules applied in respect of absences abroad in Housing Benefit.

3.21 Backdating

3.22 The period during which a claimant can retain entitlement to CTR whilst absent from the UK reduced from 13 weeks to 4 weeks. This aligns the council's LCTRS with the rules applied in respect of absences abroad in Housing Benefit.

- 3.23 <u>Discretionary Provision</u>
- 3.24 The current scheme references discretionary provision available under Section 13A of The Local Government Finance Act 1992 to decrease Council Tax liability where there is evidence of hardship.
- 3.25 Since April 2017 the Council has used this discretion in respect of selfemployed residents affected by the minimum income floor and families with disabled non dependants.
- 3.26 Support for self-employed residents affected by the minimum income floor (MIF)
- 3.27 The process adopted in respect of these residents is as follows:
- 3.28 When the Council's Benefits Service is contacted regarding a self-employed resident affected by the change to treatment of earnings under the revised LCTRS scheme, officers write to the resident asking them to:
 - Complete and return a personal financial statement
 - Provide their latest bank statements
 - Submit their latest self-employed accounts
 - Provide a contact telephone number
- 3.29 The Benefits Service then contact the Council Tax team to arrange for any recovery action to be suspended pending the resident's response.
- 3.30 In cases where the resident does not respond the following process is in place:
 - If the Benefits Service does not hear from the resident within 2 weeks a reminder is issued advising that unless a response is received within 2 weeks it will be assumed he/she does not wish to take up the offer of help and advice.
 - If a response is not received within 2 weeks the resident is written to advising that as a response to the 2 requests issued has not been received it is assumed he/she does not want to pursue the offer of help but if they remain interested they should contact the service within 7 days.
 - If the resident does not contact the service within 7 days a further letter
 is sent explaining that as he/she has not responded within 7 days we
 assume he/she does not wish to take up of the help on offer and is
 liable to pay the council tax as indicated on the latest demand issued.
 Council Tax are advised to resume recovery action.
 - If subsequently the resident does make contact, the recovery action is suspended and support provided.
- 3.31 In cases where the resident provides the information requested the following support is provided:
 - The resident is contacted to arrange a date, time and venue for interview.
 - At the interview the Benefits Service will try to establish if any help or advice can be provided in respect of budgeting and ways in which to improve their business. This includes signposting to other services as required.

- Following the interview the Benefits Service will consider whether to apply a discretionary reduction in council tax for a temporary period in accordance with s13A of the Local Government Finance Act 1992 and the service will write to notify the resident of the outcome. The resident is advised to make contact should they disagree with the outcome.
- If a reduction is awarded the council tax team are notified of the amount and a revised Council Tax demand is issued to the resident following application of the reduction.
- The reduction is reviewed as the reduction period is due to expire and the resident is contacted to see whether their circumstances have improved, or whether the reduction needs to continue.
- 3.32 Although 2,544 self-employed residents were originally affected by the minimum income floor provision, only 217 initially contacted the council to apply for S13A support. Of the 217 only 112 responded and attended interviews set up to establish the support required. This represents less than 5% of the residents affected. Although the Council's Benefit Service have attempted to contact the remaining 105 residents on at least 3 occasions they have failed to respond. Further engagement is on-going to maximise the opportunity for self-employed respondents to seek support.
- 3.33 To date 75 self-employed residents affected by the MIF have been awarded a S13A discount.
- 3.34 Support for Disabled non-dependant deductions
- 3.35 Disabled non-dependants where the non-dependant deduction applied under the current scheme is above the lowest level of £4.00 per week and the claimant incurs additional expenses in respect of the non-dependants' disability. This is an unintended consequence of the LCTRS and contact has been made to all identified cases to ascertain if hardship is being incurred. We have awarded financial support to all those who have responded to confirm this is the case. Additionally we continue to proactively contact households that have disabled non-dependants and who have not yet responded.
- 3.36 The process adopted is as follows:
- 3.37 The Benefits Service has endeavoured to contact all households with disabled non dependants who are adversely affected by the non dependant deduction change, to:
 - Request details of additional expenditure in respect of the nondependants disability and
 - Use this information to consider whether a discretionary Council Tax discount is appropriate
- 3.38 The assessment of the information is "light touch" in considering whether a S13A reduction is appropriate and the information provided by residents is taken at face value.
- 3.39 The effect of any reduction will be to offset any increase in the deduction applied in respect of each disabled non-dependent above £4.00 per week.
- 3.40 So, if a disabled non dependant currently attracts a £8.00 per week non dependant deduction, the service should recommend a S13A Council Tax deduction of £4.00 per week.

- 3.41 The process adopted is that on receipt of the information requested the Benefits Service will:
 - Contact Council Tax and request recovery is suspended pending the outcome of the S13A request
 - Consider whether a S13A reduction is appropriate
 - Advise Council Tax to apply a reduction to Council Tax if appropriate
 - Notify the resident of the outcome
- 3.42 If the information is not provided a reminder is issued when 4 weeks have lapsed following the initial request. A second reminder after a further 2 weeks have lapsed and inform that if a reply is not received within 2 weeks it will be assumed the resident does not want to be considered for a reduction. When a further 2 weeks have lapsed the Benefits Service will write to inform the resident that as they have made no contact, they do not wish to be considered for a S13A reduction. However the service will retain the discretion to consider applying a reduction if the resident makes contacts at a later date.
- 3.43 As a result S13A discounts have been applied in respect of all affected households that responded and the effect of the discounts is to reduce the deduction applied in respect of each disabled non dependant to £4.00 per week. The total number of reductions for disabled non-dependants is 177.
- 3.44 Timetable
- 3.45 As the timeframe for undertaking the statutory consultation, modelling the effects of any change, agreeing and implementation is relatively short, the proposal is for Officers to immediately commence required modelling of any changes that the Mayor wishes to consider for the 2019/2020 LCTRS.
- 3.46 As soon as the modelling is complete the full public consultation is expected to launch at the end of July 2018. Once the public consultation responses have been collated and evaluated, Officers will produce a report to Cabinet on the consultation responses in November 2018.
- 3.47 Scheme options
- 3.48 Appendix 2 of this report provides a set of scheme options for consideration.
- 3.49 <u>Self-employed and Disabled non dependants where the deduction is above</u> £4.00 per week
- 3.50 Appendix 3 of this report provides additional detail in relation to the number of self-employed and disabled non-dependents being charged a weekly deduction in excess of £4 per week in receipt of LCTRS, together with details of those who have accessed Section 13A support.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This paper seeks Cabinets views on proposed changes to LCTRS for 2019-20. The current scheme cost for 2017-18 is £24,733,721.
- 4.2 The proposed recommendations in this report, if accepted by the Cabinet will be subject to full public consultations and need to be financially modelled and evaluated to ascertain the impact on the Councils MTFP before being referred back to Cabinet prior to decisions for change to the LCTRS being agreed.

5. **LEGAL COMMENTS**

- 5.1 The Council has a Local Council Tax Reduction Scheme (LCTRS) in accordance with powers contained in section 13A of and Schedule 1A of the Local Government Finance Act 1992. The current LCTRS is for the financial year 2018/19.
- 5.2 For each financial year, the Council must consider whether to revise its scheme or to replace it with another scheme. Any revision to its scheme, or any replacement scheme, must be made no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 5.3 Before revising or replacing its scheme, the Council must (in the following order):
 - (a) consult any major precepting authority which has power to issue a precept to it:
 - (b) publish a draft scheme in such manner as it thinks fit; and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

The report confirms that the consultation process will be commenced in July 2018 and that the representations made as a result of that process will inform the ultimate decision.

When deciding whether or not to proceed with the proposals, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). A proportionate level of equality analysis must be undertaken prior to the ultimate decision being taken in order to enable the Council to adequately discharge its equality duty.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Any changes to the Local Council Tax Reduction Scheme will require a full equality impact assessment to be undertaken.
- 6.2 There are client groups within the LCTRS who are fully protected e.g. pensioners.
- 6.3 A decision not to change the LCTRS would mean in effect that nobody has any more to pay, all classes of people would therefore be protected through the continuation of the means tested local scheme.
- 6.4 As part of any EQIA we will ensure that no individual or group will be adversely affected by any proposed 2019/2020 scheme changes.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report acknowledges the financial pressures on the Council and proposes that the Council undertakes an options review for its 2019/2020 Local Council Tax Reduction Scheme.
- 7.2 The appendix attached to this report offers options for consideration for the Mayor in Cabinet.
- 7.3 Any proposals that may arise in terms of options for change would be subject to full public consultation.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 None.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The principal risk to the Council is to ensure that it has an agreed and workable scheme in place for 2019/2020. This report is the first stage in that process.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 None.

11. SAFEGUARDING IMPLICATIONS

11.1	None.			

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

- Appendix 1 London Boroughs LCTRS Minimum Council Tax Payment
- Appendix 2 LCTRS possible options for 2019/2020
- Appendix 3 Self-employed and disabled non dependants

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

NONE

Officer contact details for documents:

Steve Hill - Head of Benefits Services steve.hill@towerhamlets.gov.uk

Appendix 1 - London Boroughs LCTRS - Minimum Council Tax Payment

The table below sets out the latest information available for 2017/18 LCTR schemes regarding minimum council tax contributions, residents who receive full LCTRS were expected to pay as a percentage of their council tax liability in each of 33 London boroughs.

Local Authority	Minimum Council Tax Payment	
Parking & Daganham	% 25%	
Barking & Dagenham Barnet	20%	
Bexley	20%	
Brent	20%	
Bromley	25%	
Camden	0%	
City of London	0%	
Croydon	15%	
Ealing	25%	
Enfield	26.5%	
Greenwich	15%	
Hackney	15%	
Hammersmith & Fulham	0%	
Haringey	19.8%	
Harrow	30%	
Havering	15%	
Hillingdon	25%	
Hounslow	0%	
Islington	8.5%	
Kensington & Chelsea	0%	
Kingston Upon Thames	0%	
Lambeth	15%	
Lewisham	33%	
Merton	0%	
Newham	20%	
Redbridge	20%	
Richmond Upon Thames	15%	
Southwark	15%	
Sutton	17.5%	
Tower Hamlets	0%	
Waltham Forest	24%	
Wandsworth	30%	
Westminster	0%	
***************************************	U /0	

Tower Hamlets is one of only 8 London boroughs, (24%) where the LCTRS does not include a minimum payment provision.

This means that Tower Hamlets residents entitled to maximum council tax reduction do not have to pay any council tax.

<u>Note</u> – For the current financial year 2018/19, Hackney have increased their minimum payment from 15% to 17%, Newham are unchanged at 20%, Greenwich are unchanged at 15% and Lewisham are unchanged at 33%.

Appendix 2 – LCTRS possible options for 2019/2020

The following represent a set of options for consideration in order to establish the Mayor in Cabinet's view of the proposals that should be subject to public consultation.

Option 1

Revert to the default scheme in place prior to 1 April 2017.

Option 2

Limit maximum entitlement to below 100% of full council tax liability but provide protection for vulnerable residents. There are 2 ways this can be achieved both of which were included as options in the public consultation undertaken prior to the adoption of the current scheme.

The council can select the level of maximum entitlement but for the sake of expediency the 2 methods set out below are based on 90% of council tax liability

Method 1(Top Slice) - Replicate the assessment criteria included in the pre April 2017 scheme but base maximum entitlement on 90% of an applicant's CT liability. This means that residents in receipt of a "passported" benefit and those with income below the set allowances will have to pay 10% of their council tax liability less any non-dependant deductions.

The amount paid by residents with income above their set allowance will be 10% of their council tax liability plus 20% of the income above the allowance plus any non-dependent deductions.

Method 2 (Bottom Slice) - Replicate the assessment criteria included in the pre April 2017 scheme and base maximum entitlement on 100% of an applicant's CT liability but then reduce entitlement by 10%. For those on maximum entitlement the effect would be the same as method 1 but those who get less than the maximum will be slightly better off because the 10% deduction would be applied to their entitlement instead of their council tax liability.

To illustrate the differences the examples below assume weekly Council Tax of £21.83.

Method 1

Resident entitled to maximum CTR calculated at £21.83 x 90% = £19.65. Resident pays £2.18 per week.

Resident income is £50.00 per week above the applicable allowance. 20% of the excess income is deducted from 90% of the liability. So:

£19.65 (90% of CT liability), less £10.00 (20% of the £50.00 excess income) £9.65 CTR.

Resident pays £12.18 per week.

Method 2

Although the calculation process is slightly different, for residents entitled to maximum CTR the result is the same as Method 1

Max entitlement is £21.83 less 10% = £19.65.

The resident pays £2.18 per week.

However, residents with income above the applicable allowances are slightly better off than under Method 1 as shown below:

Resident income is £50.00 per week above the applicable allowance:

£21.83 (full weekly CT liability), less

£10.00 (20% of the £50.00 excess income)

£11.83. The 10% reduction is applied to the award instead of CT liability. So subtract £1.18, (10% of £11.83).

£10.65 CTR.

The resident pays £11.18 per week.

Consideration could be given to applying protection to residents deemed as being "vulnerable" to ensure their CTR is based on full CT liability under both Methods 1 and 2.

To enable this provision the council will need to consider what constitutes "vulnerability". For instance where any person in the household is disabled and receives either AA, PIP, DLA or ESA Support component.

Option 3

Retain the current scheme as set out above. The current scheme has caused some issues mainly around the Self-employed MIF and disabled non dependant deductions.

Although the effect of these provisions has been mitigated by application of a discretionary discount to council tax liability under S13A of The Local Government Finance Act 1992, the effect on residents has resulted in some criticism.

Option 4

Retain the basis of the current scheme with any or all of the following changes:

- Limit the non-dependant deductions applied in respect of disabled non dependants in receipt of AA, ESA, PIP or DLA to £4.00 per week. The rationale for this is that it is likely to be less punitive for disabled households and would also remove the current administrative burden of applying a S13A reduction in respect of this cohort.
- 2. Continue to apply the MIF to residents who have been self- employed for longer than 12 months and enhance the support provided to self-employed claimants to address any hardship claims and in addition consider changes relating to hourly rate and tax credits for example:

Instead of basing it on a blanket amount (currently £7.836 per hour x35 hours), use the hourly rates of minimum wage applicable to the various age ranges as set out in the table below as this will better align with how the MIF is

applied in the assessment of Universal Credit and may be slightly more generous to residents.

We could also exempt single parents with a child aged under 5 from the MIF as this exemption now exists in UC.

Age	Hourly rate	Weekly rate (35 hours)
25 and above	£7.83	£274.05
21-24	£7.38	£258.30
18-20	£5.90	£206.50
Under 18	£4.20	£147.00

- I. Use the MIF as a substitute for both actual earnings and Working Tax Credit. This is unlikely to make any significant difference to most affected residents but may benefit a few as currently the MIF is used to substitute actual earnings and is applied in the addition to all other income in the assessment of CTR. (We would need to model this change in order to ascertain the cost and number of residents beneficially affected).
- II. Extend the backdating provision to 52 weeks. Under the current provision some residents who qualify for HB but not CTR may experience a change of circumstances which would entitle them to CTR but in order to take advantage of this they would need to re-apply. However, it is unlikely the resident will be aware they would be entitled to CTR and if they delay applying we are only able to backdate entitlement for 1 month. Therefore extending the backdating limit to 52 weeks would ensure that these residents are not penalised for any reasonable delays in claiming CTR.
- III. Align CTR with the 2 child allowances applied in the assessment of Housing Benefit. This will remove allowances made for income the resident no longer gets.

The current CTR scheme includes an allowance (income disregard) for each child that mirrors the child element included in the assessment of Child Tax Credit. The effect of this is that the amount of Child Tax Credit a resident gets for each child is disregarded in the assessment of CTR. However, although recent changes to Child Tax Credit limit the child element to 2 children this is not reflected in the current LCTRS. This means our local scheme continues to apply child allowances for 3 or more children even though the families are not getting any Child Tax Credit for these children.

So, by leaving the additional child allowances for families with 3 or more children in our in LCTRS we are effectively providing a disregard for income, the family does not actually get.

Appendix 3 – Self-employed and disabled non dependants

Table 1 - Self-employed and the introduction of the minimum income floor

Self-employed residents in receipt of LCTRS

March 2017	April 2017	March 2018	July 2018
2,544	834	586	523

Notes:

March 2017 shows the numbers of self-employed prior to the introduction of the MIF. April 2017 shows the numbers after the introduction of the MIF.

Thereafter the decrease is due to a combination of both caseload churn and the length of self-employment extending beyond the 12 month threshold triggering the MIF.

July 2018 – there are an additional 49 residents in receipt of LCTRS who are now in receipt of Universal Credit.

Table 2 – Current Self-employed LCTRS recipients by household status

Current self-employed LCTRS households – July 2018

Households in receipt of LCTRS currently	Couples with children	Couples no children	Lone Parents	Single
523	415	34	46	28

There are 66 live self-employed cases that also incur a non dependant deduction.

Table 3 – Self-employed LCTRS recipients by household status receiving a Section 13A discount

Self-employed households in receipt of LCTRS that have demonstrated hardship and have been awarded a S13A discount

Number of Section 13A discounts applied	Couples with children	Lone Parents	Single
75	44	14	26

There are a total of 25 single or lone parent women in receipt of a Section 13A (from a total of 40)

Tables 4 and 5 – Approaches and Section 13A support from LCTRS recipients who are self-employed or disabled non-dependants

The tables below illustrate the effect of discretionary provision to decrease Council Tax liability under S13A of the Local Government Finance Act 1999.

This provision was included in the Council's LCTRS to help avoid any potentially unavoidable hardship caused by the scheme changes introduced from April 2017.

This being the case the primary focus for S13A applications is:

- 1. Self Employed residents affected by the "minimum income floor" (MIF).
- 2. Disabled non dependants for whom the deduction applied is above the minimum £4.00 per week.

Table 4 - Self-employed and support provision

Number of residents asked to provide information and	217
evidence and invited to interview	
Number of residents who provided information and evidence	112
and attended an interview	
Number of residents awarded a Council Tax discount under	75
S13A	
Number of interviews/decisions pending	20

<u>Table 5 - Disabled Non Dependants where the weekly deduction exceeds £4.00 per week and support provision</u>

Number of residents invited to apply for S13A	327
Number of residents who applied	190
Number of residents awarded a Council Tax discount under	177
S13A	
Number of decisions pending	13

Agenda Item 6.6

Cabinet	
25 July 2018	TOWER HAMLETS
Report of: Zena Cooke	Classification: Unrestricted
Supporting the Local Economy – Proposed Criteria for Granting Business Rate Relief	

Lead Member	Councillor Candida Ronald, Cabinet Member for Resources & the Voluntary Sector
Originating Officer(s)	Roger Jones – Head of Revenue Services
Wards affected	All wards
Key Decision?	No
Forward Plan Notice	N/A
Published	
Reason for Key Decision	N/A
Community Plan Theme	A fair and prosperous community

Executive Summary

The Council provides a wide range of support for local businesses including through the awarding business rate relief.

For the current year, business rates relief is awarded to 7,901 ratepayers totalling over £32m.

Following the last review of reliefs brought in by the government and charitable rate relief, the revised criteria and guidance has been produced in response to feedback and applies to all Business Ratepayers appearing in the London Borough of Tower Hamlets local rating list that are applying for any type of relief or requesting the Council to use its discretion to reduce the organisation's Business Rates liability

It is now proposed that a consultation exercise be carried out to consider the revised criteria and guidance and consider any feedback.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. Agree the revised criteria and guidance for public consultation
- 2. To consider feedback from the consultation at the October Cabinet meeting

1. REASONS FOR THE DECISIONS

- 1.1 There have been a number of changes made to the qualifying criteria for discretionary charitable relief following feedback from charities, not-for profit organisations and community groups.
- 1.2 There have been a number of new reliefs introduced by the government and these are now captured in one all-encompassing document.

2. ALTERNATIVE OPTIONS

2.1 None

3. DETAILS OF THE REPORT

- 3.1 The Council provides a wide range of support for local businesses including through the awarding business rate relief.
- For the current year, business rates relief is awarded to 7,901 ratepayers totalling over £32m.
- 3.3 Following the last review of reliefs brought in by the government and charitable rate relief, the revised criteria and guidance has been produced in response to feedback and applies to all Business Ratepayers appearing in the London Borough of Tower Hamlets local rating list that are applying for any type of relief or requesting the Council to use its discretion to reduce the organisation's Business Rates liability
- 3.4 It is now proposed that a consultation exercise be carried out to consider the revised criteria and guidance and consider any feedback.
- 3.5 This will make to the process clearer and clarify the qualification process particularly around how the objectives of the organisation must predominantly benefit residents of Tower Hamlets.
- 3.6 There have been a number of new reliefs introduced by the government and these are now captured in one all-encompassing document.

3.7 The table below shows the current year position split by the type of relief currently awarded.

	Number of	
Type of Relief	Accounts	Value
Mandatory Charity Relief (80%)	706	£19,999,974
Discretionary Charity Relief (20%)	193	£507,591
Discretionary Not For Profit Relief (100%)	13	£178,349
Local Discretionary Relief	2,482	£2,059,396
Pub Relief	88	£85,906
Small Business Rate Relief	3,901	£8,881,672
Supporting Small Business Rate Relief	518	£658,298
Totals	7,901	£32,371,186

- 3.8 The criteria and guidance aims to enable equitable and consistent determinations of requests for relief to Business Rate liabilities for ratepayers within the borough
- 3.9 The purpose of the consultation is to receive feedback from local businesses, charities and community groups to understand whether the changes are clear and there is full understanding of the reliefs available and whether they meet the needs of business ratepayers and help promote economic development within Tower Hamlets.
- 3.10 The main changes relate to discretionary charitable relief applications and are as follows
 - 3.10.1 It is now clear that the criteria and guidance are not intended to be a self-assessment check list and each case will be considered in its own merits.
 - 3.10.2 Any commercial activity is not considered as charitable activity and will not qualify for relief.
 - 3.10.3 In all applications for mandatory and or discretionary reliefs the Council will need to be allowed free access to the premises in order to establish the actual use of the property before making any determination for relief. Where this has not been possible for whatever reason then no relief will be awarded.

- 3.10.4 In cases where charitable discretionary relief is requested consideration will be given to applications where:
 - there is no commercial activity being carried out on the premises and:
 - it can be demonstrated with satisfactory supporting evidence that the service provided is open to the general public, and:
 - the service provided predominately benefits the residents of Tower Hamlets and:
 - there is a clear and significant benefit to a substantial number of residents within the borough. There is no set definition of the term "substantial" so that individual applications are assessed on a case by case basis.

Information of the levels of charitable relief awarded are shown over the next 2 pages -

The table below illustrates how Tower Hamlets compares to other London Boroughs in awarding Mandatory Charitable Relief as a percentage of gross rates payable, awarding $3.41\%\,$ -

Authority	Gross Rates Payable	Mandatory Charity Relief	Total Discretionary Relief	Mandatory Relief Percentage	Discretionary Relief Percentage
Barnet	124,786,287.00	13,512,946.00	375,585.00	10.83%	0.30%
Lambeth	194,579,349.00	19,939,814.00	641,756.00	10.25%	0.33%
Greenwich	105,692,460.00	10,601,680.00	695,536.00	10.03%	0.66%
Camden	778,634,591.00	78,038,640.00	288,277.00	10.02%	0.04%
Richmond upon Thames	109,644,594.00	10,865,100.00	150,657.00	9.91%	0.14%
Lewisham	86,792,566.00	8,538,890.00	729,992.00	9.84%	0.84%
Hackney	156,830,979.00	15,000,000.00	347,176.00	9.56%	0.22%
Sutton	67,830,249.00	6,360,062.00	86,764.00	9.38%	0.13%
Wandsworth	138,258,903.00	12,322,789.00	1,442,448.00	8.91%	1.04%
Bromley	117,650,502.00	10,386,054.00	521,926.00	8.83%	0.44%
Southwark	376,608,153.00	33,125,366.00	401,894.00	8.80%	0.11%
Bexley	90,972,428.00	7,447,923.00	0.00	8.19%	0.00%
Harrow	68,012,264.00	5,370,000.00	40,000.00	7.90%	0.06%
Croydon	124,318,321.00	9,652,389.00	210,593.00	7.76%	0.17%
Kingston upon Thames	102,515,543.00	7,801,689.00	467,648.00	7.61%	0.46%
Islington	343,998,730.00	25,843,650.00	1,294,007.00	7.51%	0.38%
Redbridge	73,793,748.00	5,256,545.00	161,707.00	7.12%	0.22%
Waltham Forest	86,228,613.00	6,067,061.00	404,428.00	7.04%	0.47%
Haringey	93,083,487.00	6,332,751.00	558,670.00	6.80%	0.60%
Newham	182,355,650.00	12,223,320.00	0.00	6.70%	0.00%
Kensington & Chelsea	389,436,250.00	24,005,011.00	163,278.00	6.16%	0.04%
Barking & Dagenham	74,072,770.00	4,460,134.00	221,349.00	6.02%	0.30%
Brent	154,151,893.00	8,833,477.00	421,280.00	5.73%	0.27%
Merton	103,592,421.00	5,877,777.00	581,091.00	5.67%	0.56%
Havering	98,076,699.00	5,365,810.00	141,294.00	5.47%	0.14%
Enfield	134,399,035.00	6,622,065.00	409,814.00	4.93%	0.30%
Ealing	186,317,387.00	8,551,947.00	519,773.00	4.59%	0.28%
Hammersmith & Fulham	283,502,659.00	12,001,818.00	162,605.00	4.23%	0.06%
Tower Hamlets	511,369,928.00	17,413,236.00	563,949.00	3.41%	0.11%
Westminster	2,482,008,455.00	82,298,908.00	293,649.00	3.32%	0.01%
Hounslow	232,611,827.00	6,312,582.00	494,146.00	2.71%	0.21%
Hillingdon	392,060,978.00	10,354,000.00	239,000.00	2.64%	0.06%
City of London	1,265,543,627.00	15,731,917.00	228,783.00	1.24%	0.02%

The table below illustrates how Tower Hamlets compares to other London Boroughs in awarding Discretionary Charitable Relief as a percentage of gross rates payable awarding 0.11% –

Authority	Gross Rates Payable	Mandatory Charity Relief	Total Discretionary Relief	Mandatory Relief Percentage	Discretionary Relief Percentage
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Ealing	186,317,387.00	8,551,947.00	519,773.00	4.59%	0.28%
Brent	154,151,893.00	8,833,477.00	421,280.00	5.73%	0.27%
Hackney	156,830,979.00	15,000,000.00	347,176.00	9.56%	0.22%
Redbridge	73,793,748.00	5,256,545.00	161,707.00	7.12%	0.22%
Hounslow	232,611,827.00	6,312,582.00	494,146.00	2.71%	0.21%
Croydon	124,318,321.00	9,652,389.00	210,593.00	7.76%	0.17%
Havering	98,076,699.00	5,365,810.00	141,294.00	5.47%	0.14%
Richmond upon Thames	109,644,594.00	10,865,100.00	150,657.00	9.91%	0.14%
Sutton	67,830,249.00	6,360,062.00	86,764.00	9.38%	0.13%
Tower Hamlets	511,369,928.00	17,413,236.00	563,949.00	3.41%	0.11%
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Kensington & Chelsea	389,436,250.00	24,005,011.00	163,278.00	6.16%	0.04%
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City of London	1,265,543,627.00	15,731,917.00	228,783.00	1.24%	0.02%
Westminster	2,482,008,455.00	82,298,908.00	293,649.00	3.32%	0.01%
Bexley	90,972,428.00	7,447,923.00	0.00	8.19%	0.00%
Newham	182,355,650.00	12,223,320.00	0.00	6.70%	0.00%

- 3.11 The following reliefs have been added following their introduction by Central Government which will benefit a number of local businesses
 - 3.11.1 Support for Local Newspapers

Supporting Small Business Relief

Local Relief for Pubs

Local Discretionary Relief Scheme 2017

4. EQUALITIES IMPLICATIONS

4.1 It is considered that taking into account the nature of the proposal which will directly fund business rates for local businesses that the allocation of funds will be closely monitored to ensure all qualifying businesses receive the relief they are entitled to.

5. OTHER STATUTORY IMPLICATIONS

5.1 In all cases, application for Mandatory Charitable must be considered before the award of any discretionary relief or new relief introduced by the government.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report seeks approval in supporting the local economy and the criteria for granting Business Rate Relief. The proposals aim to deliver more robust and transparent procedures in this area of activity.
- 6.2 Section 1.3 details by type of relief a total of £32m across 7,901 recipient accounts.
- 6.3 The currently devised schemes are funded by Section 31 grants from central government and therefore have no direct financial impact on Council resources.

7. COMMENTS OF LEGAL SERVICES

7.1 There is no legal duty placed on the Council in respect of this consultation as it relates to the clarity of the document rather than the Council's decision making process although it represents best practice to ensure that communications produced by the Council meet the needs of the target audience.

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

Appendix 1 - Granting Rate Relief for Non-Domestic Rates

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012
NONE

Officer contact details for documents:

N/A



Granting Rate Relief for Non-Domestic Rates

Criteria and Guidance

June 2018

Granting Rate Relief for Non-Domestic Rates Criteria and Guidance

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Granting Rate Relief for Non-Domestic Rates Criteria and Guidance

1 Scope

1.1 This criteria and guidance applies to all Non-Domestic ratepayers within the administrative area of the London Borough of Tower Hamlets Council that are applying for any type of relief or requesting the Council to use it's discretion to reduce the organisation's Non-Domestic Rates liability.

2 Principles

- 2.1 The Council has a duty to consider any requests for relief or remission of Non-Domestic Rates depending on the circumstances of the organisation or individual ratepayers concerned.
- 2.2 The main provision conferring the discretionary power on billing authorities to grant relief is contained in the Local Government Finance Act (LGFA)1988. This allows billing authorities to have discretion to grant relief to certain ratepayers from all or part of the amount of rates payable.
- 2.3 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow the billing authority to restrict discretionary relief to a fixed period and deal with the notice which must be given if that relief is varied or revoked.
- 2.4 The Localism Act 2011 amended Section 47 of the LGFA 1988 to remove the restriction to grant discretionary relief to charities or other organisations of prescribed types.
- 2.5 The relief granted in some cases may constitute state aid and may need to be notified to the European Commission. e.g. any manufacturing operation however small scale is normally deemed to be capable of affecting intra-Community trade so any relief would be state aid, likewise relief for butchers and farmers producing cheese, sausages and other foodstuffs would also be state aid. Where the relief constitutes state aid there would need to be legal clearance from the European Commission before it can be granted. There is a de-minimus aid ceiling of €200,000 over a period of 3 years; however this is not in respect of each award, this is cumulative aid given by all public bodies to the business/ratepayer in question.
- 2.6 There is no statutory requirement for organisations or individuals to submit a written application for relief and the lack of a formal application should not preclude the authority from granting the relief if it so wishes. However, in order to determine if relief is appropriate for individual cases, the Council will only consider applications made using the electronic application form available on the Council's website together with the minimum supporting documentation and evidence being provided.

3 Objectives

- 3.1 The criteria and guidance aims to enable equitable and consistent determinations of requests for relief to Non-Domestic Rate liabilities for ratepayers within the borough.
- 3.2 This is not intended to be a "blanket policy" that prescribes the circumstances or individuals or organisations that should receive the relief as each case will be considered on its own merit.
- 3.3 The document is not designed to be tool for organisations to use in order to self-assess or as a check list for them to determine their own entitlement. The aim is to provide some practical guidance in order to assist officers to determine individual requests for relief.
- 3.4 Following a change in the law there is now a direct impact on the Council Tax payers of the Borough where some types of relief are awarded. It is incumbent on the Council to ensure that all applications for relief are legitimate and conform to all relevant regulations to ensure that only those organisations or individuals that are eligible receive the appropriate relief.
- 3.5 The government is increasingly using reliefs to assist and enhance different sectors within the business community. The Council will actively promote and maximise take up of any current or new initiatives introduced by government where funding is provided by way of a grant under section 31 of the Local Government Act 2003.
- 3.6 In all applications for mandatory and or discretionary reliefs the Council must be allowed free access to the premises in order to establish the actual use of the property before making any determination for relief. Where this has not been possible for whatever reason then no relief will be awarded.

4 Mandatory Relief for Charitable Organisations

- 4.1 Section 43(6)of the Local Government Finance Act 1988 provides that relief will be applicable where, on the day concerned, the ratepayer is a charity or trustees for a charity and the hereditament (the property referred to in the application) is wholly or mainly **used** for charitable purposes (whether of that charity or of that and other charities).
- 4.2 Although an organisation may be registered as a charity with the Charity Commission this does not necessarily entitle them to automatically receive mandatory relief from Non-Domestic Rates as the overriding factor relates to what the property is actually being used for. This is especially important to any fee charging organisations and in order to qualify for mandatory relief there must be clear and comprehensive evidence that:
 - the property in occupation is wholly or mainly used for charitable purposes and;
 - where the organisation is not a registered charity, its purpose is carried out for the Public Benefit as stated in section 4 of the Charities Act 2011.

- 4.3 In determining entitlement to mandatory relief the Council takes account of the analysis of the law relating to public benefit published by the Charity Commission and dated September 2013. This provides details of what it considers to be the "Public Benefit" in accordance with the Charities Acts 2006 and 2011. Paragraph 94 states that "if a charity confines the provision of benefits to members, supporters, or subscribers, its purposes may not be carried out for the public benefit. If this is the case then mandatory relief will not be awarded to the organisation.
- 4.4 The Council is keen to protect the environment and reduce emissions produced by private vehicles by encouraging the use of public transport wherever possible. Given the significant infrastructure and availability of public transport in the borough it is felt that with the exception of disabled badge holders the use of private motor vehicles for volunteers, parking for employees or officers of organisations is not essential and therefore not ancillary to the functions of the organisation. Where parking spaces are assessed separately to the main hereditament and are not reserved specifically for disabled users then the use of the spaces will not be considered to be wholly or mainly charitable and mandatory relief will not be granted for their use. Business Rates will be charged in accordance with the rateable value of these car parking spaces in these cases.

5 Discretionary Relief for Charities and Not for Profit Organisations

- 5.1 In cases where charitable discretionary relief is requested consideration will only be given to applications where:
 - there is no commercial activity being carried out on the premises and:
 - it can be demonstrated with satisfactory supporting evidence that the service provided is open to the general public, and:
 - the service provided predominately benefits the residents of Tower Hamlets and:
 - there is a clear and significant benefit to a substantial number of residents within the borough. There is no set definition of the term "substantial" and individual applications will be assessed on a case by case basis.
- In addition the following factors will be taken into account when considering applications for discretionary relief:
 - the value of the service to residents of the London Borough of Tower Hamlets and local communities can be shown to exceed the amount of the discretionary relief requested. In this case there needs to be a tangible benefit to a significant number of residents in the borough which is proportionate to the amount of relief sought.
 - the work undertaken from the property named in the application for relief directly caters for the needs of residents of the borough and benefits the local community and can demonstrate a link to Council priorities and;

- it provides a valuable service to the local community of London Borough of Tower Hamlets which is complimentary to those services provided by the council and can demonstrate a link to Council priorities, or:
- the service it provides relieves the council of the need to provide that service.
- 5.3 The organisation should have no more than 12 months expenditure in unrestricted reserves unless a business case exists detailing how the reserves are to be used to the benefit of the local community and/or residents of London Borough of Tower Hamlets. Consideration will also be given to the income generated for the organisation by way of investments.
- 5.4 Generally no discretionary relief will be given to charity shops as these are in direct competition with conventional shops and relief over and above the 80% mandatory relief could lead to commercially run shops suffering loss of trade.
- 5.5 Under normal circumstances no discretionary relief will be granted to voluntary schools or colleges that are charitable trusts, or other organisations whose objectives are mainly concerned with education unless there are exceptional circumstances as generally these are already, to a substantial degree, publically funded.
- 5.6 Car parks or parking spaces will be excluded from receiving discretionary relief with the exception of disabled parking bays as the authority does not want to encourage the use of motor vehicles within the borough for environmental and sustainability reasons.
- 5.7 Organisations offering similar services or facilities to those that are already established in the immediate locality will generally not be granted discretionary relief unless exceptional circumstances exist.
- 5.8 Housing Associations will not be granted discretionary relief unless there are exceptional circumstances or the property is being used as a community centre.
- 5.9 Any property in which the occupation is concerned with the production of work for sale on a commercial basis will not receive discretionary relief unless there are exceptional circumstances.
- 5.10 Membership of any organisation making application for relief must be open to all sections of the community(except where the organisations activities are aimed at specific equality groups) and the organisation must demonstrate that the way in which it operates does not discriminate against any section of the community.
- 5.11 The organisation should not operate a system whereby membership is determined by votes of existing members.
- 5.12 Any membership fees or subscriptions must not be set at a level that excludes the general community; consideration will also be given to the following:
 - reductions in fees offered for certain groups e.g. elderly, disabled, low incomes etc.
 - where membership is encouraged from particular groups such as young people, persons with disabilities, ethnic minorities or older age groups.

- facilities are available for people other than members e.g. schools, public sessions.
- any membership selection criterion that requires applicants to have reached a certain standard before membership will be granted.
- 5.13 If the organisation/club has a licensed bar this will not prohibit an application for relief but the following must be evidenced:
 - that the bar income aids the overall operation and development of the main aims of the organisation.
 - that the operation of the bar and any associated facilities is a minor function of the organisation.
 - that the main activity remains the paramount objective of the organisation.
 - that the bar is properly licenced.

6 Relief for Partly Occupied Properties

- 6.1 Section 44a of the Local Government Finance Act 1988 provides Local Authorities with the discretion to grant relief where it appears to the Council that part of a property is unoccupied and will remain so for a 'short period of time only'.
- 6.2 The definition of what may constitute a 'short time only' is not prescribed and will be decided by the Council depending upon the individual circumstances of each case.
- 6.3 Section 44a relief is not intended to be used where part of a property is temporarily not used; it is aimed at situations where there are practical difficulties in occupying or vacating part or parts of the property in a single operation.
- 6.4 The relief commences on the day the premises became partly occupied and ends on the first day of the following:
 - where all or part of the unoccupied area becomes occupied;
 - where the property becomes fully unoccupied;
 - at the end of a financial year (31st March) a new application will be required if the unoccupied period crosses over two financial years;
 - the person or organisation liable for Business Rates changes.
- 6.5 The empty part of the property will receive a complete exemption from rates for a maximum period of 3 months (or if it is an industrial property, for a maximum period of 6 months). Once the appropriate exemption period has expired, the occupied charge for the whole property will be applied unless the property becomes exempt for any other reason.

- All applications for this relief must enclose a floor plan of the assessment in question which clearly identifies the occupied and unoccupied areas including full details of the volume relating to the area (square footage or square metre etc.).
- 6.7 The application should include specific details and evidence of the practical difficulties faced by the organisation in occupying or vacating a property in a single operation.
- 6.8 Applications will not be considered for retrospective periods after which full occupation has taken place. The relief will not be awarded under any circumstance where it has not been possible to verify the situation as shown in the application by undertaking a visit to the property during the vacant period.
- 6.9 Applications **will not** be considered where a property is partly occupied due to refurbishment or where a reorganisation within an existing building occurs.
- 6.10 Situations that would normally result in an award of the relief include (although not necessarily limited to) the following:
 - where there is partial occupation of a warehouse, factory or commercial property to facilitate the permanent relocation of the company
 - where fire, flood or other natural disaster prevents full use of the premises
- 6.11 Situations that would not normally result in an award of the relief include (although not necessarily limited to) the following:
 - where the owner sublets parts of the premises on a commercial basis
 - where the part occupation is likely to continue year on year
 - where there appears to be no genuine effort to let, sell or occupy the empty part
 - where part occupation is seasonal
- 6.12 A visit to the premises in question will be undertaken by an officer of the Council before any recommendation is made regarding an application.
- 6.13 The provisions of state aid referred to in paragraph 2.5 do not apply to awards granted under Section 44a.
- 6.14 The exercise of discretion with regard to Section 44a applies only prior to the request for a certificate to be issued by the Valuation Office Agency (VOA). Once a certificate has been issued by the VOA confirming the reduced rateable value, the authority has no further discretion in the matter.
- 7 Relief on the grounds of Hardship

- 7.1 Under section 49 of the LGFA 1988 the billing authority is given discretionary powers to reduce or remit the amount a ratepayer is required to pay in respect of either an occupied or unoccupied property where the authority is satisfied that:
 - the ratepayer would sustain hardship and;
 - it is reasonable for the council to do so having regard to the interests of the persons subject to council tax in its area.
- 7.2 There is no statutory definition of hardship and therefore the council must arrive at its own decision in relation to any application. Guidance was provided by the Government in December 2002 as to the considerations that councils might apply when exercising their discretion in determining applications for hardship relief. These are as follows:
 - although rules may be adopted for considering hardship cases a blanket policy whether or not to grant relief should not be adopted;
 - each case should be determined on its own merits and the application process as simple as possible so that decisions can be made quickly;
 - reduction or remission of rates on the grounds of hardship should be the exception rather than the rule;
 - all relevant factors affecting the ability of the business/ratepayer to meet their liability for business rates should be taken into account;
 - the "interests" of Council Tax payers in any area can go wider than direct financial interests, e.g. employment prospects or availability of amenities in an area or the business is the only provider of a service in the area;
 - where the granting of relief may have an adverse financial effect on the financial interests of the council taxpayers the case for a reduction or remission may still on balance outweigh the cost to council taxpayers;
 - in some cases the hardship will be self-evident, e.g. loss of trade through natural disasters such as severe flooding. However the authority may wish to consider how the business can demonstrate loss of business or trade. For example do accounts, order books, till receipts, VAT returns etc. show a marked decline in trade compared to corresponding periods in previous years;
 - councils should be clear in granting relief that it will be granted only for the period in which there is clear evidence of hardship for the ratepayer concerned;
 - to guard against fraudulent claims, councils should satisfy themselves that the claim is from a ratepayer suffering genuine hardship.

- 7.3 The guidelines for granting relief on the grounds of hardship are as follows:
 - all relevant factors affecting the business/ratepayer to meet their liability for business rates will be taken into account:
 - the ratepayer must provide evidence that clearly demonstrates loss of business or trade over the relevant period;
 - the ratepayer must demonstrate how granting the relief will benefit the local community and detail the impact on the community should the application for relief be refused;
 - any relief awarded will be restricted to the period for which there is clear evidence demonstrating the ratepayer concerned suffered hardship;
 - if the ratepayer is the subsidiary of a larger organisation or a part of a group then the financial standing and assets of the main organisation and other group members will also be considered;
 - the extent and amount of any public funding or grants the business already receives will also be a consideration in determining any application for relief.
- 7.4 The guidance also recommends that hardship relief should only be granted for short periods and be reviewed regularly when the relief can be renewed, rather than granted for extended periods.

8 Local Discounts

- 8.1 Under section 69 of the Localism Act 2011 authorities have discretion to grant up to 100% relief to any business or organisation. However where a discretionary rate relief decision would have effect where the occupier is neither a charity or non-profit making organisation, the billing authority may make the decision only if it is satisfied that it would be reasonable for it to do so, having regard to the other interests of persons liable to pay Council Tax set by the council.
- 8.2 The guidance for considering the award of Local Discounts is as follows:
 - the value of the service to residents of the council and local communities can be shown to exceed the amount of the discretionary relief requested;
 - the work undertaken from the property named in the application for relief directly caters for the needs of residents of the London Borough of Tower Hamlets and benefits local communities:
 - it provides a valuable service to the community which is complimentary to those services provided by the Council or;

- the service it provides relieves the Council of the need to provide that service.
- all relevant factors affecting the ability of the ratepayer to meet their liability for business rates should be taken into account;
- the "interests" of council tax payers in any area can go wider than direct financial interests. e.g. employment prospects, or availability of amenities in and around the area or the business is the only provider of a service in the area:
- where the granting of relief may have an adverse financial effect on the financial interests of the council tax payers the case for a Local Discount may still on balance outweigh the cost to council taxpayers;
- each case should be determined on its own merit and the application process as simple as possible so that decisions can be made quickly.

9 Small Business Rates Relief

- 9.1 This relief is available to ratepayers who occupy either:
 - one property within the local authority; or
 - one main property within the local authority and other additional (occupied) properties providing those additional properties each have a rateable value of less than £2,900 (£2,600 prior to April 2017);
- 9.2 The current rateable value of the property mentioned in the first bullet point above, or the aggregate rateable value of all properties mentioned in the second bullet point above, must be under £28,000.
- 9.3 Ratepayers who satisfy these conditions will have the bill for their single or main property calculated using the lower small business non-domestic rating multiplier rather than the standard non-domestic rating multiplier that is used to calculate the liability of other businesses.
- 9.4 In addition, if the single or main property is currently shown on the rating list with a rateable value of up to £15,000, there will be a percentage reduction in the rates bill for the property (up to a maximum of 100% for a property with a rateable value of not more than £12,000).
- 9.5 If you occupy a second property, you will continue to receive any existing relief on your main property for up to12 months.
- 9.6 You will still be entitled to small business rate relief on your main property after this if both the following apply:
 - none of your other properties have a rateable value above £2,900 (£2,600 before April 2017)
 - the total rateable value of all your properties is less than £28,000

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- 9.7 Once an application has been accepted and the relief is granted provided circumstances do not change, the relief will continue automatically until 2022 provided that the rateable value falls within the new value limit for 2017 as in (9.2) above.
 - 9.8 The government may change the percentage of relief granted for eligible applicants, where this is the case full details will be available on the Council's website

10 Local Relief for Newspapers

- 10.1 The government introduced a temporary relief of £1,500 business rates discount for office space occupied by local newspapers, up to a maximum of one discount per local newspaper title and perproperty, and up to state aid limits, for 2 years from 1 April 2017.
- 10.2 The relief will be delivered through local authority discretionary discount powers under section 47(3) of the Local Government Finance Act 1988.
- 10.3 The relief is to be specifically for local newspapers which are considered to be a "traditional local newspaper." The relief will not be available to magazines of any description.
- 10.4 The property must be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.
- 10.5 There is no requirement for ratepayers to complete an application form in order to receive the relief as the Council will identify potential recipients and automatically award to eligible accounts. If you believe that you are entitled to relief and it has not been applied to your account please contact the Business Rates team to enquire about eligibility.

11 Supporting Small Business Rates Relief

- 11.1 The Supporting Small Businesses relief scheme will help those ratepayers who as a result of the change in their rateable value at the 2017 revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills.
- 11.2 To support these ratepayers, the Supporting Small Businesses relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:
 - a percentage increase per annum of 5%, 7.5%, 10%, 15% and 15% 2017/18 to 2021/22 all plus inflation. Unlike the transitional relief scheme, for the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after small business rate relief or rural rate relief, or
 - a cash value of £600 per year (£50 per month). This cash minimum increase ensures that those ratepayers previously paying nothing or very small amounts in 2016/17 are brought into paying something.
- 11.3 In the first year of the scheme, this means all ratepayers losing some or all of their small business rate relief or rural rate relief will see the increase in their bill capped at £600. The cash minimum increase is £600 per year thereafter. This means that ratepayers who are currently paying nothing under small

business rate relief and are losing all of their entitlement to relief (i.e. moving from £6,000 rateable value or less to more than £15,000) would under this scheme be paying £3,000 in year 5.

- 11.4 Those on the Supporting Small Businesses relief scheme whose 2017 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for the Supporting Small Businesses relief scheme.
- 11.5 Ratepayers remain in the Supporting Small Businesses relief scheme for either 5 years or until they reach the bill they would have paid without the scheme. A change of ratepayers will not affect eligibility for the Supporting Small Businesses relief scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- 11.6 There is no second property test for eligibility for the Supporting Small Businesses relief scheme. However, those ratepayers who during 2016/17 lost entitlement to small business rate relief because they failed the second property test but have, under the rules for small business rate relief, been given a 12 month period of grace before their relief ended can continue on the scheme for the remainder of their 12 month period of grace.

12 Local Relief for Pubs

- 12.1 This relief was introduced by the government for a fixed period of 12 months from 1 April 2017 to 31 March 2018, the period was further extended to include the period 01 April 2018 to 31 March 2019 in the autumn budget in 2018. Public Houses will receive a reduction of £1,000 from their liability.
- 12.2 The relief will be delivered through local authority discretionary discount powers under section 47(3) of the Local Government Finance Act 1988.
- 12.3 The majority of pubs are independently owned or managed and will not be part of chains. Where pubs are part of a chain, relief will be available for each eligible property in the chain, subject to meeting State Aid requirements.
- 12.4 There is no requirement for ratepayers to complete an application form in order to receive the relief as the Council will identify potential recipients and automatically award to eligible accounts. If you believe that you are entitled to relief and it has not been applied to your account please contact the Business Rates team to enquire about eligibility.
- 12.5 The Government's policy intention is that eligible pubs should:
 - be open to the general public
 - allow free entry other than when occasional entertainment is provided
 - allow drinking without requiring food to be consumed
 - permit drinks to be purchased at a bar.
- 12.6 For the purposes stated in paragraph 12.5 it should exclude:
 - restaurants
 - cafes

- nightclubs
- hotels
- snack bars
- guesthouses
- boarding houses
- sporting venues
- music venues
- festival sites
- theatres
- museums
- exhibition halls
- cinemas
- concert halls
- casinos

13 Local Discretionary Relief Scheme 2017

- 13.1 The scheme will be open to ratepayers that have a liability to pay the business rates within the London Borough of Tower Hamlets (LBTH).
- 13.2 The rateable value of the property must be below £200,000 therefore in order to qualify the relief will be applied to qualifying properties with a rateable value of £199,999 or less.
- 13.3 Ratepayers that are in receipt Supporting Small Business Rate Relief 2017 (SSBR) will not be eligible to receive relief under the LDRS 2017.
- 13.4 The relief will not apply to organisations that have three or more properties that operate within or outside of Tower Hamlets.
- 13.5 The property must have been entered into the 2010 Local Rating list as at the 31st March 2017 and also in the 2017 Local Rating list as at the 1st April 2017.
- 13.6 The property must have been occupied since the 31st March 2017and remain occupied in order to qualify for the relief. Once a property becomes unoccupied the relief will be cease with effect from the date that the property became unoccupied.
- 13.7 The relief will be calculated after any other allowable reductions to the rate account have been applied.
- 13.8 In cases where there has been an amendment in rateable value in relation to the 2010 or 2017 Local Rating lists any subsequent adjustment will only apply

- where the amendment to the Rateable Value has resulted in a decrease of the amount of relief awarded. This means that the overall amount of the relief previously awarded cannot be will not be exceeded under any circumstances.
- 13.9 Organisations will not be required to complete an application form as the relief will be awarded automatically by the Council based on the qualifying criteria established in the scheme.
- 13.10 Ratepayers that do not receive an automatic award but believe that they are eligible to receive the relief can ask for a review of the decision. The Council will consider the full circumstances of the organisation and if it appears that the organisation is eligible the relief will be applied, subject to the condition in paragraph 13.11 below.
- 13.11 In cases where there is a retrospective amendment to the rateable value or a review is requested the relief will only be applied to the financial year in which the actual application is made. Any award cannot be retrospectively applied to previous financial years under any circumstances.
- 13.12 The relief is based on a percentage of the actual amount of the increase as at the 1st April 2017. The increase is calculated by comparing the charge amount less any reliefs or exemptions for 2016-2017 against the same calculation for 2017-2018.
- 13.13 Any property that is used for the following purposes will be automatically excluded from receiving the relief:
 - Payday Lenders
 - Betting Shops
 - Public Sector & Local Government Buildings
 - Housing Association Properties
 - Unoccupied Properties
- 13.14 Eligibility for the relief is determined based on a fixed list which has been extracted from the Council's Revenues system as at the 1st April 2017.
- 13.15 The scheme is fixed for a four year period based on the original list mentioned in paragraph12. The amount of relief will be based on the percentage rates published on the Councils website, it should be noted that the percentage rate is variable and may be subject to change.
- 13.16 The relief will be transferrable in the event that the recipient vacates the hereditament and the new occupier fulfils the eligibility criteria to receive the relief.

14 Applications for Relief

- 14.1 Although the regulations do not specifically require the organisation to complete an application, in order for the Council be to able to properly consider awarding the relief the organisation should complete the appropriate electronic application together with the submission of all relevant documentation in support of the application for the relief to be considered except where specified otherwise.
- 14.2 If the appropriate information is not provided then the Council will not be able to consider awarding any relief for the organisation concerned.
- 14.3 Decisions in respect of all applications of discretionary relief will be made by officers and will be reviewed on a regular basis.

15 Renewals for Charitable Discretionary Relief

- 15.1 Awards for any relief will be made for a fixed period and will cease at the end of the financial year in which the award had been made.
- 15.2 The Council may extend the award period for a further 12 month period without carrying out a review and will advise organisations if they are required to submit a new application prior to the start of a new financial year.
- 15.3 Where a review is not carried out at annual billing for the new financial year that commences on the 1st April all ratepayers will receive a demand notice which will detail any relief that has been awarded to eligible organisations. The relief will be granted for a fixed period of 12 months or until any liability ceases, whichever is the sooner.
- 15.4 Reviews will be carried out on specific properties or ratepayers on a risk basis in relation to value of award, type of use and time elapsed since the last review. This will ensure that the most up to date information is available for a correct determination of eligibility to receive relief.
- 15.5 In cases where a review is necessary the organisation must submit a completed application form together with appropriate evidence in support of their application in order for consideration of the claim for relief.
- 15.6 Any organisation that fails to provide the appropriate information or supporting evidence will not be granted the relief.

16 Appeals

- 16.1 In cases where the award for discretionary relief is refused the applicant has 21 days from the date of the letter notifying them that their application was not successful to request a review of the decision and consider any other supporting evidence not previously supplied.
- 16.2 Where an appeal is submitted the person making the appeal must set out the full grounds on which the appeal is based and specify the reasons why the relief should be granted based on the criteria operated by the council and also provide any further supporting evidence.

- 16.3 The NNDR Relief Panel is convened on a regular basis dependant on demand to consider any appeals and the levels of all reliefs awarded to business rate payers.
- 16.4 The NNDR Relief Panel will decide on the outcome and advise the appellant whether or not their appeal was successful following the panel meeting to determine any requests for a review of the decision.
- 16.5 The NNDR Relief Panel will consist of the Corporate Director of Resources, Corporate Director of Governance and a representative from Revenue Services.
- 16.6 The decision of the NNDR Review Panel will be final and the only recourse available will be way of a Judicial Review. This will only apply if the applicant believes that the council has exceeded its statutory powers, there has been a procedural impropriety or where an action is irrational. Individual organisations are advised to seek independent legal advice should they wish to proceed in that manner.





Agenda Item 6.7

Cabinet	
25 July 2018	TOWER HAMLETS
Report of: Ann Sutcliffe, Acting Corporate Director, Place	Classification: Unrestricted
Site at 20 Alton Street E14 6BZ	

Lead Member	Mayor John Biggs, Responsibility for Asset Management
Originating Officer(s)	Richard Chilcott, Acting Divisional Director, Property and Major Programmes
Wards affected	Lansbury Ward
Key Decision?	No
Forward Plan Notice Published	26 June 2018
Community Plan Theme	A great place to live, and a healthy and supportive community

Executive Summary

Lansbury Estate Muslim Association (LEMA) have been using the site at Alton Street, as shown in Appendix A for over 8 years under a tenancy at will. They have now approached the Council to acquire a long leasehold interest in the site. It is proposed that the Council grant a 99 year lease to LEMA for the premium of £402,250.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. Agree that the site at 20 Alton Street E14 be declared surplus;
- 2. Agree to the disposal of the site on a 99 year lease to Lansbury Estate Muslim Association (LEMA) at a premium of £402,250;
- 3. Delegate to the Acting Corporate Director of Place the authority to agree the detailed heads of terms and, thereafter, enter into the legal documentation (including, but not limited to, a development agreement, agreement for lease and lease) in order to give effect to the decision
- 4. To note the Equalities Impact Assessment / specific equalities considerations as set out in Paragraph 4.1.

1. REASONS FOR THE DECISIONS

- 1.1 The site of 20 Alton Street is protected by planning for community use so it would be very difficult to use the site for other uses
- 1.2 LEMA is an established charity involved in serving the community and has a long history in the area. The organisation wants to additionally invest in the area and have requested a long leasehold interest to support their vision for a permanent building.
- 1.3 The long leasehold interest will enable them to secure funding and have a long term strategy for the mosque and other community activities

2. ALTERNATIVE OPTIONS

- 2.1 **Leave everything as is** This is not an option as LEMA occupies the site on a tenancy at will and cannot deliver additional services on the back of such a tenancy. Additionally the group meet in portacabins on the site that have come towards the end of their life
- 2.2 Disposal on the open market If placed on the open market, the site would struggle to sell as it is protected under Town Planning for community use. Other community uses are possible but size constraints would impede the full range of community uses like schools and other uses unlikely to generate a better capital receipt
- 2.3 **Grant a short lease** LEMA would like to redevelop the site and build a new purpose built community facility. A short lease would not support such investment.

3. DETAILS OF THE REPORT

- 3.1 Alton Street is on the Lansbury Estate. The Lansbury Estate was transferred to Poplar Harca several years ago. The property comprises a number of interconnecting single storey prefabricated buildings (Portacabin style) located on a fully enclosed site. The current buildings have a net internal floor area of 3,490 ft² (325 m²).
- 3.2 LEMA have been in occupation of this site for over 8 years on a tenancy at will and have established a strong community presence. The organisation serves the Lansbury Estate and its residents. There are no other suitable sites in the Lansbury ward to develop a community centre. A move to another area could result in a loss of members and some of LEMA's activities.
- 3.3 LEMA has approached the Council several times seeking to purchase the site at Alton Road. LEMA wish to redevelop the site and create a permanent structure which can only really be done if there is some long term guarantee

of continuity of occupation. When negotiations for a long lease were commenced, the intention was to maintain a balance of services in a densely populated area.

- 3.4 It should be noted that the premium of £402,250 will be for a very restrictive 99 year lease where there will be no option of subletting and will have very tight user clause. The value of the site is purely for the site as a community facility and does not reflect any hope value or alternative uses. LEMA is essentially purchasing a site with portacabins that are coming towards the end of their useful life and in need of replacement.
- 3.5 The open market value of the site on an unrestricted and freehold basis is £1.2m. The most valuable use (if planning was forthcoming) would be residential. A feasibility study to develop the site for housing has not been procured in light of the fact that the D1 use is protected and pursuing other non-viable D1 uses would not be an effective use of the Council's resources.
- 3.6 Sale by negotiation is permitted under the Council's Lettings and Disposal Policy on the basis that LEMA has been considered a special purchaser in this transaction. A sale on the open market is therefore not required and this is on the basis that the Council's well-being powers justify this course of action. Under the well-being powers, the Council may look at the contribution an organisation makes to the area in terms of:
 - A. the promotion or improvement of economic well-being;
 - B. the promotion or improvement of social well-being;
 - C. the promotion or improvement of environmental well-being.
- 3.7 LEMA is a registered charity who has undertaken to deliver adult education, Islamic teaching, the promotion of good health, promotion of racial harmony and provides support for youth services. LEMA is one of the first Community facilities in Tower Hamlets to become dementia friendly. This accolade will enable them not only to improve the lives of dementia sufferers but share best practice with other organisations. The work LEMA is doing fits in with the vision Poplar Harca has for the area for improving local residents' access to education and training, good health and social cohesion.
- 3.8 As the site is designated as HRA, and vacant (for the purposes of the General Housing Consent) the Council may dispose of it on the terms set out above. The Council may use the lease to protect the community use and associated benefits. LEMA confirm they had no intention of using the site for any purpose other than as a Community facility (all within a D1 planning use) and wish to pursue the 99 year lease on that basis.
- 3.9 The summary of the heads of terms for the transaction are as follows:

Term: 99 years from the completion of the lease

Premium: £402,250. LEMA's solicitors confirm they have all funds

including the Council's costs in place before entering into any

agreement.

Use: Exclusively as a community facility and ancillary D1 uses for

LEMA

Alienation: Subletting prohibited and assignment confined

Repairs: LEMA to be responsible for all repairs

3.10 Match with Corporate objectives & Community Plan

Tower Hamlets Strategy and Community Plan sets out a variety of issues in the borough and covers corporate priorities. LEMA's vision and objects, as set out in their articles of association, aim to support several of the Council's objectives and assist in addressing some of the issues in the Borough.

TH Corporate strategy/Community Plan objectives	LEMA Vision/Charitable Objectives
TH recognises that there is high levels of persistent unemployment in the Borough	LEMA will work with the community to relieve unemployment and will advance education and training including religious education.
TH want to promote community cohesion	LEMA have programs focussing on the promotion of racial harmony by sharing knowledge and mutual understanding between different racial groups
Develop Cross cutting partnerships	LEMA currently work closely with the Council and are actively engaged in delivery the priorities covering this area i.e. • empowering residents and building resilience • Promoting healthier lives • Increasing employment
The results for post 16 pupils are below the London average	They intend to help young people by developing their skills, capacity and capability and act as a resources of the under 25 age group.
Health issues for Tower Hamlets develop up to 10 years earlier for TH residents	LEMA are one of the first community organisations to become dementia friendly and are committed to lessen other health inequalities. They are also committed to promoting and protection good health.
Average earning for TH residents 10k below the average earning of workers in the borough	The relief of poverty and financial hardship

- 3.11 In respect of the Best Value Improvement Plan 2017/8, this transaction falls within the Council's commitment to work with the Voluntary and Community sector. The New Compact considered by Cabinet in March 2018 sets out common principles and values and undertakings by both sectors to help reinforce the relationship. The grant of the long lease to LEMA will act as a catalyst to secure larger programmes, improve eligibility for more grants and support the vision to build a new facility.
- 3.12 Officers in the Asset Management team initially arranged for the site to be valued on the basis of several scenarios, including the freehold value for disposal, the grant of a 25 year lease, or the grant of a 99 year lease with restricted use and various other scenarios. The Council has a general policy of not disposing of freehold interests in land and so this option was discounted. The values arrived at were:

Basis	Value based on current use
99 year lease	£402,250
Rental value based on 25 year lease	£40,225 pa

3.13 In terms of the alternative uses, the following options have been considered:

Current Community Use - Is well established, provides balance for a dense residential area and enables a variety of community based programmes to be delivered. This use does however suppress the value.

Nursery – The area would generate children able to fill a nursery but the socio economic profile would not support a commercial nursery and therefore values would suffer.

Residential - The ideal alternative use would be residential but the planners say that community is on this site is highly protected and residential use would not be forthcoming.

Other D1 uses - Other community uses would always be a possibility and supported in principle by the planners. The site is too small to accommodate a school/college and many other D1 uses.

4. EQUALITIES IMPLICATIONS

4.1 This transaction will enable LEMA to further develop the service to the community. LEMA as part of their charitable objectives intend to respond to the variety of Equality issues across the Borough including activities to address health inequality. They intend to help young people by developing their skills, capacity and capability and act as a resources of the under 25 age

group which will in turn assist efforts to address the disproportionate numbers of young people not in education, work or training.

5. OTHER STATUTORY IMPLICATIONS

5.1 ONE TOWER HAMLETS CONSIDERATION

Community facilities have an important role to play in community cohesion. LEMA, as a registered charity, have objectives mirroring that of the One Tower Hamlets' philosophy:

- the advancement of educational and training
- promotion and protection of good health
- promotion of racial harmony etc.

BEST VALUE (BV) IMPLICATIONS

LEMA is a special purchaser, asset management has commissioned an independent valuation of the site to ascertain the open market value and to ensure that the premium agreed is in accordance with Best Value. Asset Management can confirm that the transaction constitutes best value.

RISK MANAGEMENT IMPLICATIONS

Risk	Mitigation
Contracts may be exchanged but transaction not completed due to lack of funds.	No contract will be entered into until all funds are in place
Substantial lapse in time from securing cabinet approval to when the transaction is entered into	The purchaser has been advised that the Council will get an updated valuation if there is substantial delay. as we are required to obtain market value.
The purchasers go through an internal split putting the purchase at risk	Officers will have to review the options in this event and build in a clause in the contract to protect the Council's position.
The purchaser tries to use the site for other uses	As the terms were agreed on the basis that there would be restriction to use as a place of worship with ancillary D1 use for LEMA, departure from this would constitute a breach in the terms of the lease and could result in forfeiture.

6. <u>COMMENTS OF THE CHIEF FINANCE OFFICER</u>

6.1 This report seeks the agreement of the Mayor in Cabinet to the granting of a 99 year lease of the site at 20 Alton Street to the Lansbury Estate Muslim Association (LEMA).

- The site is held under Housing Revenue Account (HRA) powers and is currently let by way of a tenancy-at-will at a charge of £20 per day, LEMA being charged an annual rent of £7,280. It is proposed that the new lease will be at a peppercorn rent so the HRA will be forgoing the £7,280 income, however a capital receipt of £402,250 will be generated.
- 6.3 Various options for the future use of the site have been assessed (see paragraph 2.3). It was determined that the freehold disposal of the site was not desirable so options of granting a 99 year lease and generating a capital receipt, or a 25 year lease with an annual rental income were considered.
- 6.4 The report recommends the option of disposal of the property on a long (99 year), restricted use basis lease (current D1 use), at a value of £402,250. The restricted D1 use (i.e. that it must be used for the provision of non-residential services, including clinics, health centres, crèches, day nurseries, day centres, schools, halls, places of worship, church halls and non-residential education and training centres) means that the asset value is less than would be the case if sold without the restrictions being in place. Although the report indicates that if the site could be sold for residential purposes on an unrestricted freehold basis it has a potential value of £1.2 million (paragraph 2.4), officers consider that the costs involved in compensating for the removal of the restrictions mean that this option is not viable.
- 6.5 The report outlines in paragraph 3.1 various activities that LEMA undertakes in the area which benefit the local community. The Mayor in Cabinet should be satisfied that these benefits mean that LEMA should be considered a special purchaser which justifies disposal taking place with restricted conditions, rather than the Council seeking alternative offers or using it for different purposes.
- 6.6 The property is held under HRA powers and as such any receipt is 100% usable to fund the HRA capital programme. If the receipt is used within the General Fund for purposes other than the provision of affordable housing or regeneration, then an adjustment must be made to the HRA's Capital Financing Requirement (CFR). This would have the effect of reducing the capital financing charges allocated to the HRA and increasing those allocated to the General Fund. The use of the receipt will be considered as part of the overall capital strategy, capital programme delivery and funding strategy.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Council is proposing to dispose of the land, by way of long lease, to the Lansbury Estate Muslim Association.
- 7.2 The land is held in the Housing Revenue Account and the disposal is therefore governed by the Housing Act 1985. Section 32 of the Act provides that a local authority may not dispose of any housing land held by them without the consent of the Secretary of State. In order to facilitate disposals,

the Secretary of State has issued a series of general consents (the General Housing Consent 2013) which provide the required consent in certain circumstances.

- 7.3 Paragraph A3.2 of the General Housing Consent provides the Council with the consent to dispose of vacant land. "Vacant land" is defined in paragraph A2.2 as including land on which "no dwelling-houses have been built". The disposal is therefore permitted by legislation.
- 7.4 Paragraph 8 of the commentary to the Consents provides that vacant land can be disposed "at any price determined by the local authority." However, as the trustee of public land the Council must consider the value of the interest being disposed of. The report confirms that an independent valuation has determined that the value of the lease, based on the restrictive use, accords with the premium to be secured.
- 7.5 The Council's procedure for disposals and lettings specifies that the procedure adopted for disposal is to be determined by the Divisional Director, Property and Major Programmes. Sale by negotiation would usually involve a "Special Purchaser", an example of which is a sitting tenant. This is on the basis that either a negotiated procedure will generate a higher capital receipt or, as is the case here, the Council's well-being powers justify it. The well-being power is satisfied, under the procedure, in circumstances where:
 - "(a) the Local Authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area:
 - i) the promotion or improvement of economic well-being;
 - ii) the promotion or improvement of social well-being;
 - iii) the promotion or improvement of environmental well-being; and
 - (b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds)".
- 7.6 It should be noted, however, that (b) is not relevant for these purposes as it does not apply to HRA land, nor is the disposal at an undervalue. The disposal by way of negotiation, on the basis of the intended use, is therefore consistent with Council policy.
- 7.7 The ultimate structure of the disposal, in terms of whether it will be pursuant to a development agreement, agreement for lease (conditional on the build and planning permission, for example) which will be proceeded by the lease, or otherwise, is dependent on the refined final terms. The Council will also wish to consider protecting its position as freeholder by, for example, requiring step-in rights and the benefit of warranties. The recommendation is drafted sufficiently to cover this.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

Appendix A – Alton Street Site Plan

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

NONE

Officer contact details for documents:

Meloneze Wynter, Senior Strategic Asset Manager 020 7364 1375

Meloneze.wynter@towerhamlets.gov.uk



Agenda Item 6.8

Cabinet	
25 July 2018	TOWER HAMLETS
Report of: Ann Sutcliffe, Acting Corporate Director, Place	Classification: Unrestricted
Statement of Licensing Policy 2018 - 2023	•

Lead Member	Councillor David Edgar, Cabinet Member for Environment	
Originating Officer(s)	David Tolley – Head of Environmental Health and Trading Standards	
Wards affected	All wards	
Key Decision?	Yes	
Forward Plan Notice	29 May 2018	
Published		
Reason for Key Decision	ecision Impact on Wards – statutory requirement	
Community Plan Theme	A safe and cohesive community	

Executive Summary

All local authorities have to review their existing Statement of Licensing Policy every five years. The Statement of Licensing Policy is required to be agreed at full Council by October 2018. This is one of the responsibilities that the Council has to enable the administration of licences under the Licensing Act 2003.

The purpose of the Statement of Licensing Policy is to define how the responsibilities under the Act are going to be exercised and administered.

A statutory consultation process has taken place between the 12th January and 10th April 2018. The reviewed Statement of Licensing Policy will ultimately go to full Council for adoption.

RECOMMENDATIONS

The Mayor in Cabinet is recommended to:-

- To agree the submission of the Statement of Licensing Policy to full Council for adoption.
- To note that the proposed Statement of Licensing Policy will take effect from 1st November 2018 until 31st October 2023. The existing Statement of Licensing Policy will be rescinded on the 31st October 2018.

1. REASONS FOR THE DECISIONS

1.1 The Council is statutorily required to review its Statement of Licensing Policy every five years. As part of the review a statutory consultation must take place.

2. ALTERNATIVE OPTIONS

2.1 Cabinet does have the option not to review its Statement of Licensing Policy but the Council will be open to legal challenge for not having a properly consulted and adopted policy.

3. <u>DETAILS OF THE REPORT</u>

- 3.1 The Council's current Statement of Licensing Policy was adopted by Full Council in October 2013.
- 3.2 Tower Hamlets Council is defined as a Licensing Authority under the Licensing Act 2003. As a Licensing Authority we must review our Licensing Policy every five years and publish the outcome of that review.
- 3.3 We must, as a minimum carry out the statutory consultation laid down in the Act.
- 3.4 Following consultation, Cabinet must consider the revised Statement of Licensing Policy and full Council must adopt the Statement of Licensing Policy.
- 3.5 The Licensing Act 2003 gives local authorities a range of responsibilities relating to licensing. The Statement of Licensing Policy states how the Council will exercise its authority.
- 3.6 This policy covers the following:
 - How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
 - The main licensing objectives for the authority which are set by legislative requirements.
 - o 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 produced has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.8 The current review has taken into account of 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 five years.

- 3.9 The statutory consultation requirements consists of :-
 - The Chief Officer of Police for the Licensing Authority area
 - The Fire Authority for the area
 - Such persons as the Licensing Authority consider to be representative of holders of existing licences
 - Such persons as the Licensing Authority considers to be representative of holders of existing clubs
 - Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
 - Director of Public Health
- 3.10 The full list of consultees is detailed in Appendix One. All licence holders were written to. General comments from groups and forums have been summarised in Appendix Two. The online submissions are summarised in Appendix Three.
- 3.11 The statutory changes are outlined in Appendix Four and the revised policy for adoption is detailed in Appendix Five.
- 3.12 The consultation documents will be presented to the Licensing Committee and noted by them.
- 3.13 The following are relevant issues that have been raised in the consultation process and will need to be determined by Members.

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

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

Guidance has been published under section 182 of the Licensing Act 2003 that addresses the issue of framework hours. They should operate in such a way that does not restrict discretion and recognise that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good, evidential reasons to restrict these hours. There must be a justification provided if change is considered appropriate, however, 40% of the 64 respondents wanted a reduction. The current responses may not justify the change from a locality perspective.

Suggested action is to retain the current framework hours.

<u>Increase the voluntary consultation area</u>: Some consultees responded that they would like to have a greater voluntary consultation area of more than 40 meters from the applicant premises. The majority were content with the

current consultation zone for new applications. If this was to be extended there would be a cost implication for the licensing team.

Suggested action is to retain the current consultation area.

<u>Touting:</u> The majority of the consultees agreed with the touting condition, in that this mainly affects Brick Lane. It must be noted that there is currently a Public Spaces Protection Order in place in this area that is also being used to tackle touting.

Suggested action is to maintain the enforcement action against touting with partners.

<u>Street Furniture:</u> The majority of consultees agreed with the inclusion of a condition on relevant licences that ensures compliance with street furniture provisions in relation to public and private land. It is recognised that street furniture may encourage inappropriate street drinking.

Suggested action is to include this condition where relevant.

<u>Cumulative Impact Zones (CIZ):</u> Consultees expressed a view that the current CIZ in Brick Lane should be maintained in its current format Appendix Six. In addition there was strong support for an additional CIZ within the Bethnal Green area as outlined in Appendix Seven The CIZ's will have an impact on those applying for licences or variations to existing licences that offer alcohol sales or late night refreshments.

There is a desire from resident groups that the CIZ is implemented rigorously and that applicants must demonstrate conclusively that their operations will not adversely add to the impact on the area. The CIZ creates a rebuttable presumption that where relevant representations are made the applications are refused unless the applicant can satisfactorily demonstrate that they will not have an adverse cumulative impact on the area.

Due to recent legislative changes, the CIZ's would need to be re-consulted and reviewed every three years

Suggested action is to maintain the Brick Lane CIZ and to implement a Bethnal Green CIZ.

Olympic Park Football Condition: an additional condition was supported that dealt with premises that are known to have football followers. On match days drinks are to be supplied in plastic containers and registered door staff employed.

Suggested action is to utilise this condition where necessary.

<u>Late Night Refreshment Exemption:</u> Consultees agreed not to extend the late night refreshment exemption that has been proposed in the 2015

Deregulation Act 2015. Thus, all premises that offer late night refreshment after 23.00 are required to be licensed.

Suggested action is to retain licensing for late night refreshment premises.

- 3.14 In addition there have been some proposed changes to the draft Statement of Licensing Policy after consultation, which strengthens or clarifies the Statement of Licensing Policy objectives and introduces statutory changes, namely;
 - Promotion of responsible drinking by Pub watches
 - The need for licence holders to ensure wholesale alcohol purchases are checked for HMRC compliance.
 - Disposable drink containers to be made of recyclable materials
 - Licence holders to take a proactive stance against violence against women and girls. The policy to include references to violence against women and girls in that adequate information is provided on safe travel and staff is trained in relation to harassment and intervention techniques.
 - Extending the protection of children objective to include wider harms as strong language and sexual expletives.
 - Increasing the remit of protection of children from harm to explicitly detail sexual exploitation. To enable the Council to request that certain premises have a Challenge 25 scheme and relevant age verification processes.
 - Clarification on the planning regimes
 - Clarification on the determining of licences within the Cumulative Impact Zones
 - Procedures for absent designated premises supervisors.
 - Acknowledgement of the statutory changes that makes the Immigration Service a Responsible Authority.
 - The policy details the type of criminal activity whereby the revocation of a licence is expected, even for a first offence.
 - Where fly posting is an issue in the area, conditions may be attached that prohibits the licence holder engaging in such activities.
 - To add in a new reference to the Late Night Levy that was introduced on the 1st January 2018.
 - Update to Temporary Event Notification process due to legislative change
- 3.15 There was also a request from several residents groups and others that the following should be considered:
 - Cumulative Impact Policy should be more rigorously enforced at the decision making process when determining an application.

- Adopting a policy on restricting hours of operation for outside areas of licensed premises
- Better communication with neighbouring Boroughs,
- Restricting hours of use for outside green spaces.
- Preventing large capacity venues in Brick Lane and Spitalfields;
- Reducing or restricting licensable hours during the week, Sundays and Bank Holidays, as well as religious holidays and when near to residential premises;
- Issues relating to Off Licences having a wider effect than the immediate area and calls for these to be reduced in the CIZ.

3.16 In light of these comments:

- Changes were made to the Cumulative Impact Policy to make the Policy clear in terms of what is expected of applicants, and what the Licensing Authority's position is in relation to applications for licences within the cumulative impact zones. This gives better clarity on the rebuttable presumption and responsibility of applicants.
- With respect to restricting the hours of use for outdoor areas, or on certain days, and restricting large capacity venues; each application must be determined on its own merits as per the Secretary of States Guidance under section 182 of the Licensing Act 2003, as such restricting hours or types of venues etc. would need to be a case by case basis.
- Though not in the policy the Licensing and Safety Team have met with the neighbouring Boroughs to discuss issues raised in the consultation and we have agreed to regular meetings moving forward. These will need to be formalised with a terms of reference to give clarity for discussing such matters as cross boundary licensing issues.
- Again though not in the policy we have considered the comments relating to off- licences in the CIZ and will be carrying out some unannounced compliance visits to these premises this financial year.
- 3.17 The current Statement of Licensing Policy remains current until October 2018. It is proposed that this policy is replaced on the 1st November 2018.

4. **EQUALITY IMPLICATIONS**

4.1 An equalities impact assessment has been undertaken (Appendix Eight) and no adverse impacts have been identified.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 Best Value: recent legislation, such as the Localism Act 2010 has encouraged communities and the Local Authority to work in partnership. An informed Statement of Licensing Policy and well managed business will result in a reduction of enforcement and regulatory action, thus reducing costs for these Services.
- 5.2 Risk Management: The Council will be at risk of legal challenge if a properly consulted and adopted Statement of Licensing Policy is not in place by the end of October 2018.
- 5.3 Crime Reduction: 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.
- 5.4 Safeguarding: The Statement of Licensing policy takes into account of safeguarding children and violence against women and children.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

There are no specific financial implications emanating from this report that sets out the review of the Council's Statement of Licensing Policy. The Policy must be reviewed every five years and set out the responsibilities for the Licensing Service under the Act. The responsibilities are exercised and administered within a gross expenditure budget for 2018-19 of £363,051.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Council is a Licensing Authority under the Licensing Act 2003 ("the Act"). Section 5(1) of the Act requires the Licensing Authority to determine and publish its policy with respect to the exercise of its licensing functions. The requirement is for the Council to prepare and publish its statement of licensing policy in respect of each 5 year period. The Council is required to have regard to the policy in the exercise of its licensing functions, to keep the policy under review.
- 7.2 The Act specifies a minimum level of consultation which the Council must carry out before determining its licensing policy for a 5 year period. Section 5(3) of the Act requires specified persons and bodies to be consulted, as referred to in paragraph 3.9 of the body of the report.
- 7.3 When determining its' licensing policy, the Council is required to have regard to the following:

- Promoting the four licensing objectives, (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm
- Statutory guidance issued by the Secretary of State in accordance with S182 of the Act (April 2018)
- 7.4 The Licensing Policy of the Authority may include a statement that there is a potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The community impact assessment (CIA) must set out the evidence for the authority's opinion. Within 3 years of publication or on review of the CIA, the Authority must consult with the bodies referred to in Section 5(3) of the Act to consider whether there has been a change in its opinions. Any revision of the CIA must be published. There is an obligation to regularly review any special policy included in the Licensing Policy to assess whether it is still needed. This will include the Cumulative Impact Policy. Following consultation, comments on the current CIZ in the Brick Lane area, the expansion of the CIZ for the whole of Spitalfields and Banglatown and on the creation of a new CIZ along Bethnal Green Road from Valence Road to Cambridge Heath Road and up to Old Bethnal Green Road.
- 7.5 The following changes in legislation are included in the proposed new policy:
- 7.6. With effect from 6.4.2017 the Immigration Act 2016 amended Section 2A Licensing Act 2003 so that any individual applying for a personal licence must be entitled to work in the UK. The application will be rejected if they are not entitled to work in the UK. The licensing authority must be satisfied that an individual who applies for a premises licence is entitled to work.
- 7.7 If an applicant's immigration permission to live or work in the UK is time limited, a personal licence may be granted but becomes invalid when the immigration permission expires.
- 7.8. Since 1.4.2017, the Secretary of State has been a Responsible Authority in respect of premises licensing to the sale of alcohol or late night refreshment. Enforcement of this role will be undertaken by the Home Office Immigration Enforcement on behalf of the Secretary of State. The enforcement powers will be in respect of the prevention of crime and disorder licensing objective.
- 7.9 Since 1.4.2017, businesses which sell alcohol will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registrations Scheme (AWRS).
- 7.10 In accordance with the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities (England) Regulations 2000, functions relating to licensing are to be exercised by Full Council. Full council has delegated some of these functions to the Licensing Committee and officers but the adoption of the of licensing policy is a matter for full council.
- 7.11 Report authors should contact Legal Services for comments when the report is in its final form.

8 APPENDICES

Appendix One: List of Groups/Organisations Consulted

Appendix Two: Summary of Written Responses Appendix Three: Summary of On Line Responses

Appendix Four: Proposed Changes to the Statement of Licensing Policy

Appendix Five: Draft Statement of Licensing Policy

Appendix Six: Map of Cumulative Impact Zone at Brick Lane

Appendix Seven: Map of Cumulative Impact Zone at Bethnal Green

Appendix Eight: Equalities Impact Assessment Checklist

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

Brief Name and telephone number of holder description and address where open to inspection.

of

"background papers"

David Tolley, Head of Environmental Health and Trading

Statement Standards ext 6724

of Licensing http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?Cld

Policy =720&MId=7701

Review: Cabinet Paper

agreeing the extent of the consultation



Appendix: One

Statement of Licensing Policy Review Consultation - List of Consultants

- 1. Met Police Detective Chief Superintendent, Tower Hamlets
- 2. Director of Public Health, London Borough of Tower Hamlets
- 3. London Fire Brigade
- 4. All Licensees holding a Premises License or Club Premises Certificate
- 5. All Holders of Personal Licensed with the London Borough of Tower Hamlets
- 6. Best Bar None
- 7. Institute of Licensing (IoL)
- 8. Public Health, London Borough of Tower Hamlets
- 9. Planning and Building Control, London Borough of Tower Hamlets
- 10. London Borough of Hackney Licensing Team
- 11. London Borough of Southwark Licensing Team
- 12. City of London Licensing Team
- 13. London Borough of Lewisham Licensing Team
- 14. Royal Borough of Greenwich Licensing Team
- 15. London Borough of Newham Licensing Team
- 16. St George's Residents Association
- 17. Spitalfields Regeneration (SPIRE)
- 18. Maritime & Coastguard Agency
- 19. The Environment Agency
- 20. The Canal and River Trust, London
- 21. National Society for the Prevention of Cruelty to Children (NSPCC)
- 22. NHS Tower Hamlets Clinical Commissioning Group
- 23. The Council of Mosques, Tower Hamlets
- 24. Adult Care, London Borough of Tower Hamlets
- 25. Community Safety, London Borough of Tower Hamlets
- 26. Children's Social Care, London Borough of Tower Hamlets
- 27. Antisocial Behaviour and Neighbourhoods Team, London Borough of Tower Hamlets
- 28. Young Mayor, London Borough of Tower Hamlets
- 29. Tower Hamlets Homes (THH)
- 30. Directorate of Culture, Learning and Leisure, and Parks and Events Service, London Borough of Tower Hamlets
- 31. Legal Services, London Borough of Tower Hamlets
- 32. Asset Management, London Borough of Tower Hamlets
- 33. Trading Standards, Environmental Health and Trading Standards Service, LBTH
- 34. Noise Team, Environmental Health and Trading Standards Service, LBTH

Media Consulted

- 1. Facebook
- 2. Twitter
- 3. Members Bulletin
- 4. Following Newspapers:
 - Newham & Stratford Recorder
 - ii. Hackney Gazette
 - iii. Southwark News
 - iv. City Matters
 - v. Metro (London)
 - vi. Greenwich info mercury package local council



Appendix: Two

<u>Statement of Licensing Policy Review Consultation – Additional</u> Comments Received Via Letter/Email/Meetings

Please note however that some of these respondents may also have completed the online survey as well.

- Jago Action Group (JAG), Residents Association Representing Residents North of Bethnal Green, South of the Boundary Estate and East of Shoreditch High Street:
 - Cumulative Impact Zone has failed and needs to be enforced properly,
 - Cumulative Impact Zone needs to include better cooperation with London Borough of Hackney, particularly in respect of premises that borough boundaries. Need clear protocol of which borough deals with these complaints,
 - Cumulative Impact Zone has seen an approximate 10 fold increase in licensed premises then 10/20 years ago,
 - Cumulative Impact Zone issues are caused by disproportionate impact of a few premises,
 - Cumulative Impact Zone has an over concentration of Licensed premises,
 - Cumulative Impact Zone still has issues of street urination, defaecation, vomiting, littering, drug dealing noise pollution attributed to licensed premises within it, as well as inebriated people in streets. Parking and vehicles racing causes further issues,
 - Cumulative Impact Zone statistical data used in the Policy Consultation for the Cumulative Impact Zone does not show true picture of problems and wider set of statistical data should be used similar to those used by the London Borough of Hackney in their recent Licensing Policy Review,
 - Cumulative Impact Zone (CIZ) the London Borough of Hackney Special Policy Area (SPA) not increased to meet LBTH CIZ, due to this LBTH should withdraw agreement for LB Hackney to take licensing decisions affecting the premises straddling the borough boundaries,
 - LBTH should lobby LB Hackney to extend their Special Policy Area to join up with LBTH Cumulative Impact Zone,
 - Voluntary consultation should include residents outside of the borough where they are within the 40 meter consultation area,

- Licence transfers and change of business type can often lead to increase issues, e.g. café turning into bar, thus more stringent examination of transfers needs to occur in respect of this issue,
- Cumulative Impact Zone Responsible Authorities should make more representations in respect of applications and not leave it to "Other persons",
- Cumulative Impact Zone, policy should be amended to make it clear that applicants need to demonstrate that their operations will not negatively add to cumulative impact,
- Cumulative Impact Zone Licensing Authority and Police as Responsible Authorities should discuss more active role in respect of CIZ,
- Licensing Sub-Committee need to adhere/apply the when hearing applications within the CIZ area,
- Committee members need to receive training reinforcing the details of the Cumulative Impact Zone,
- Licensing Policy to encourage applicants to obtain Planning Permission prior to Licensing Application and empower Sub-Committee members to take account of this in Policy,
- Licensing Policy should adopt presumption that outdoor spaces should close at 21:00 hours.
- Licensing Policy should adopt presumption that waste collections should only occur between 08:00 to 20:00 hours.
- 2. Residents Meeting with SPIRE and JAG Residents Associations and Councillor Peirce:
 - Please note many of these comments will be similar if not identical to 1 above as JAG were present at this meeting
 - Training for the Licensing Sub-Committee on the Cumulative Impact Zone/Policy should be completed,
 - Outdoor spaces should have reduced hours particularly those premises within the Cumulative Impact Zone,
 - The policy should include section of outdoor spaces in regard the Licensing Authority's expectation on applicants,

- LBTH should have better communication with London Borough of Hackney in respect of cross boundary issues from licensed premises,
- The statistical data used in respect of the Cumulative Impact Zone does not provide a full picture of issues within the Zone. Wider statistical data should be used so as to provide a better view of issues within the Zone.
- 3. Jago Action Group (JAG) Organised Petition in relation to Cumulative Impact Zone Review:

Please note many of these comments will be similar if not identical to 1 and 2 above as JAG organised the petition

- There should be greater cooperation between LBTH and London Borough of Hackney in relation to cross boundary licensing issues, and venues,
- Responsible Authorities should be more proactive in tackling problematic licence applications within the Cumulative Impact Zone,
- Cumulative Impact Zone should substantially reduce the number of new licences still being granted.

4. Local Resident 1:

- Licensing Policy should be mindful of residential dwellings near to, and in the dispersal path of Licence premises,
- Noise and nuisance generated by operation of licensed premises and their customers is of great concern,
- Public order disturbances and ASB, for example street disturbance, abuse, public urination, vomiting, smoking and littering are also of great concern,
- Licensing Authority when considering licensing applications where residential dwellings could be impacted should consider the following:
 - Licensing hours should be limited to fewer hours to give respite so that the impact of residents is not a daily occurrence,
 - Conditions attached to licences should be check to compliance,
 - Premises with outside spaces/terraces where noise likely to cause more impact to be time restricted for use and closely monitored to ensure compliance,
 - New large capacity venues should be discouraged.

5. Local Resident 2:

 Licensing Policy should clarify point that conditions on a premises licence are not added to the TEN but that applicant would be expect to comply the premises licence conditions as matter of good practice.

- 6. Trading Standards, Environmental Health and Trading Standards Service, LBTH:
 - Licensing Policy provide expectation that applicants adopt the "Challenge 25" age verification scheme,
 - Licensing Policy to include conditions to be inserted where its discretion is engaged.

7. Community Safety, LBTH:

- Under preventing harm to children, a paragraph should be added detailing the Licensing Authority's expectation on applicants in relation to Child Sexual Exploitation (CSE),
- Under Public Safety, a paragraph should be added detailing the Licensing Authority's expectation on applicants in relation to protection person from violence and take proactive approach to customer safety.

KFC:

8. No comment.

Appendix Three: Statement of Licensing Policy Online Survey Results

The below shows the

Question: Do you agree with the current "Framework Hours"

As can be seen in chart below, 37 out of the 64 people that completed the online survey agreed with the Frame Work Hours detailed in the Statement of Licensing Policy. This shows that 57.8 percent of those that completed the survey agree with the Frame Work hours.

Answer	Number of people
No	26
Yes	37
Not answered	1
	Total 64

Question: If no do you think they should be "Frame Work" Hours Extended or Reduced

That said 26 people who completed the survey did not agree with the Fame Work Hours. This is a percentage 40.6. Of this 40.6 percent a large proportion, 76.9 percent, said that the hours should be reduced with only 23 percent saying that they should be extended. This can be seen in the table below:

Answer	Number of people
Extended	6
Reduced	20
Not answered	38
	Total 64

<u>Question: Do you agree the current Cumulative Impact Zone should remain in place around Brick Lane?</u>

There was a large support of to keeping the Cumulative Impact Zone (CIZ) with 89 percent (57 people) of those who completed the survey agreeing that the current CIZ should remain in place around Brick Lane. See table below:

Answer	Number of people
No	6
Yes	57
Not answered	1
	64

Question: If no should CIZ be expanded or abolished?

Of the 6 people (9.3 %) that did not agree with the current CIZ almost all of them wanted it to be expanded with only 1 person saying it should be abolished.

Answer Number of ped	
Abolished	1
Expanded	5
Not answered	58
	Total 64

Question: Do you agree with the proposal to introduce a further Cumulative Impact Zone in Bethnal Green, click here to view proposed Zone?

As can be seen in the table below 54 out of the 64 people who completed the online survey, essentially 84%, agreed with the proposal to introduce a further Cumulative Impact Zone in Bethnal Green. Only 9 (14%) people disagreed with this and 1 not answering the question. This shows there is a large amount of support to introduce a further Cumulative Impact Zone in this area.

Answered Number of peop	
No	9
Yes	54
Not answered	1
	Total 64

Question: Do you agree that the Licensing Authority should keep this voluntary consultation?

The online survey showed that there was large support for keeping the current voluntary consultation as can be seen in the table below with 51 out of 64 people who completed the survey agreeing with this consultation.

Answer	Number of people
No	10
Yes	51
Not answered	3
	Total 64

All of the 10 people who answered no to this questioned said they wanted the voluntary consultation increased. None of these 10 expressed a wish for the current voluntary 40 meter consultation to be abolished or reduced.

Question: Do you agree with the proposed change to the Licensing Policy regarding the Olympic Park, Football Ground?

Only 5 out of the 64 people who completed the survey did not agree with this proposed change to the Policy, with 1 not answering. Thus the majority of those

who complete the survey, 90.6 percent (58 out of 64) agreed with the change to the Policy, as can be seen in the table below:

Answer	Number of people
No	5
Yes	58
Not answered	1
	Total 64

Question: Do you agree with the proposal not to apply an exemption in relation to the above (Power to apply an Exemption in relation to the requirement to Licence Late Night Refreshment in certain prescribed circumstances)?

As with the question above relating the Olympic Park the online survey showed that people were in support of our proposal not to apply an exemption in relation to the licensable activity of Late Night Refreshments (provision of hot food or drink between 23:00 and 05:00 hours). Of the 64 people who completed the survey 55 agreed with the proposal not to provide an exemption in relation to the above with only 8 people disagreeing with the proposal.

Answered	Number of people	
No	8	
Yes	55	
Not answered	1	
	Total 64	

Question: Do you agree with the Licensing Authority's position on Touting and, where its discretion is engaged to insert standard conditions in relation to touting onto licences?

There was overwhelming support for this, with 60 out of the 64 people who complete the survey agreeing with the Licensing Authority's position in relation to touting.

Answer	Number of people	
No	3	
Yes	60	
No answered	1	
	Total 64	

Question: Do you agree that the Licensing Authority, where its discretion is engaged should insert conditions into licences in relation to Street Furniture and Fly Posting?

Again this received overwhelming support with 59 out of the 64 people who completed the survey agreeing with the Licensing Authority's positon in relation to street furniture.

Answer	Number of people	
No	5	
Yes	59	
Not answered	0	
	Total 64	

Statement of Licensing Policy Review – Proposed Changes 2018 - 2023

Please note those changes below which are highlighted are ones changed following the consultation.

Section/Page	Addition/Deletion	Rationale
All	Amend all references to licensing authority:	Licensing Authority should be in capitals
	Licensing Authority	at start of each word.
Page 0	Add: Front page with LBTH Logo and "Effective 1st November 2018" then "The London Borough of Tower Hamlets, STATEMENT OF LICENSING POLICY 2018 – 2023"	Current policy has now front page.
Page 1	New Contents Page	To reflect changes, note the numbers are added as if the deletions have been removed.
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."	Out of date information
	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"	
Page 3 Para. 1.1	 1.1 "The London Borough of Tower Hamlets is the Licensing Authority under the Licensing Act 2003 (the Act). It is responsible for granting premises licences; club premises certificates; temporary events notices, in respect of the provision of licensable activities; and personal licences in the Borough. The term 'Licensing Authority' will be used in all future references to 'the London Borough of Tower Hamlets' in this Statement of Licensing Policy. All references to the Secretary of State's Guidance relate the statutory guidance 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. 	Improve clarity.
Page 3	Add second para – 1.2 and move and amend list from para 1.1 as below: 1.2 This policy is intended to provide clarity to applicants, 'other persons' and 'responsible authorities' on how this Licensing Authority will determine applications for the following licensable activities: • Retail sale of alcohol • Supply of alcohol to club members • Provision of regulated entertainment (as defined in Schedule 1 of the Act) • Supply of hot food and / or drink between 23:00 and 05:00 hours"	Improve clarity.

Page 3 Para 2.1 and 2.2	Delete paras and replace as below: "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."	Improve clarity on Licensing Authority's application of the policy.
	2.2"The 2003 Act requires that the Licensing Authority, after consultation, adopts and publishes a "Statement of Licensing Policy" that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively."	
Page 3 Para. 3.1 Please note this is Page 4 on the New Policy Doc	Delete para and replace as below: "Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are: • the Chief Officer of Police, • the Fire Authority, • representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough • such other persons considered to be representatives of business and residents in the area.	Out of date and improve clarity of content
	The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement."	

Page 3 Para. 3.2 Please note this is Page 4 on the New Policy Doc	Change "Council" for "Licensing Authority", and after the word "organisations" add in ", and other key stakeholders".	Clarity and improvement
Page 3 Para. 3.3 Please note this is Page 4 on the New Policy Doc	Change "Council" for "Licensing Authority" and delete "by the Council" at the end of the para.	Clarity and improvement
Page 4 Para. 4.8 Please note this is Page 5/6 on the New Policy Doc	Delete para and replace with: "Licensing is about regulating licensable activities of licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are within the control of individual licensees."	Improve wording to fit in with current Home Office Guidance definitions.
Page 5 Para. 4.9 Please note	Delete and replace with: "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	Better information and clarity

this is Page 6 on the New Policy Doc	members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives."	
Page 5 Para. 4.11	Delete para. and amend para number accordingly (para 4.12 becomes 4.11)	Correct to the right numbered paras
Please note this is Page 6 on the New Policy Doc		
Page 5 Para. 4.11 Please note this is Page 6 on the New Policy Doc	After representation Add "s". After "or" Delete "interested party a hearing would then be convened where the Licensing Authority would exercise its desecration" and Add: "other persons the application will be determined by 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. Where this occurs the Licensing Authority's discretion is engaged and it may insert conditions such as ones detailed further on in this policy."	Improve clarity and update as per guidance/legislation ("other persons") and clarity on when conditions can be added.
Page		
Page 5 Para 4.13	Change Para to 4.12 and all others below this move up by one figure.	Take account of changes
Please note this is Page 6 on the New Policy Doc		
Page 5 Para.	After the word "application" replace "must" with "will".	Improve clarity.

4.13 Please note this is Page 6 on the New Policy Doc	After the word conditions replace the word "or" with "and".	Correct wording/Para No.
Page 5 Para. 4.14 (now para 4.13)	After the word "considering" delete "these conditions" and add: "the addition of conditions consistent with applicant's operating schedule,"	Improve Clarity and consistency with Home Office
Please note this is Page 7 on the New Policy Doc	After "the Licensing Authority" add "will ensure that such conditions are enforceable and proportionate." 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."	Guidance
Page 6 Para. 4.19 (now para 4.18) Please note this is Page 8 on the New Policy Doc	Delete "Consultation with local residents", Add: "Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents" 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" Add: "This statutory consultation requires" After the word "advertisement", Add: "of the application" After the word "premises" deleted "both done by the applicant", Add: "Failure to adhere"	Improve clarity

	to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period."	
Page 6 Para. 4.20 (now para 4.19)	After the word "Authority", delete "has determined"; Add: "will" and Delete: "to itself".	Better clarification of Licensing Authority's voluntary consultation.
Please note this is Page 8 on the New Policy Doc		
Page 7 Para. 4.21 (no para 4.20)	After the sentence ending in the word "businesses.", Delete; "The scope of this consultation will be decided by the Trading Standards and Licensing Service Manager".	Incorrect and not relevant.
Please note this is Page 8 on the New Policy Doc		
Page 7 Para. 4.22 (now para 4.21)	Delete para and replace with: "In respect of paragraphs 4.19 and 4.20 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.	Better clarification of Licensing Authority's voluntary consultation.
this is Page 8 on the New Policy Doc	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 requirements."	
Page 7 Para.	Capitalise the "a" of Authority.	Correct as per Home

5.3		Office Guidance.
D	After the word "responsible" delete the word "authorities" and add the word "authority".	
Please note		
this is Page 9 on the New		
Policy Doc		
Page 8/9	Add these new paras.	Addition in light of the
	"Home Office as a Responsible Authority	Immigration Act
This will		2016, which came
become	From 6 th April 2017 the provisions of Immigration Act 2016 which relate to Licensing	into force on 6th April
section 6	became effective. These provisions amend the Licensing Act 2003 making the	2017.
Diaman	Secretary of State a responsible authority in respect of premises licensed to sell	
Please note	alcohol or late night refreshment. In effect this conveys the role of responsible	
this is Page 10 on the	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	
New Policy	Authorities in Appendix 1.	
Doc	Tational of in Appendix 1.	
	When Immigration Enforcement exercises its powers as a responsible authority it will	
	do so in respect of the prevention of crime and disorder licensing objective because it	
	is concerned with the prevention of illegal working or immigration offences more	
	broadly.	
	From 6th April 2017 Licensing Authorities will about the clinibility to work for those	
	From 6 th 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 to submit original copies of documents.

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.

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. The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of: • An enforcement operation or data sharing that identifies a relevant offence, • The issue of a civil penalty for employing illegal workers, • The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end."	
Para Number Change	Change Para numbers to 7 from this point.	Insertion of Immigration section above.
Page 8/9 Para 6.2 (now para 7.2)	Between the words "crime and disorder" and "objective", add "licensing". The sentence starting with "Where", after this word Delete: "Crime Prevention Officer"	Improve clarity and update.
Please note this is Page	After the word "Police" Add ", acting as a responsible authority"	
11/12 on the New Policy Doc	After the word "recommendations" Add: "in respect of an application" the Delete: "for premises that relate". Following this Add: "relating"	
	After the word "objectives" Add: "the Licensing Authority would expect the applicant to incorporate these into their".	
Page 9 Para. 6.4 (now para 7.4)	At end of sentence Add: "and to share prescribed information"	

Please note this is Page 12 on the New Policy Doc		
Page 9 Para. 6.5 (now 7.5) Please note this is Page 12 on the New Policy	Delete "Section 182 of the Licensing Act 200 (See Appendix 2.)" and replace with "the Secretary of State's Guidance".	Update to correspond with earlier changes and improve clarity
Doc		
Page 9 Para. 6.7 (now 7.7) Please note this is Page 12 on the New Policy Doc	Delete paragraph and replace with the below, keeping subparagraphs 1) and 2): "Touting – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances. As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-"	Change to correct to current data.
Page 10 Paras 6.8 and 6.9	Delete paragraph 6.8 and replace with: "Street Furniture – placing of street furniture, which includes advertising boards, on	Improve flow.
Please note	the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects	

this is Page 13 on the New Policy Doc	applicants to have ensured that they fully comply with the Councils rules relating to 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." Move paragraph 6.8 and 6.9 to page 16 below paragraph 10.3 (Prevention of Public Nuisance section).	These are related to this section and not
Dec. 10	After the words "Dortroom Orows" Add, "Code of Brootice"	Crime and Disorder.
Page 10 Para. 6.10 (now 7.8)	After the words "Portman Group" Add: "Code of Practice". Last sentence after the words "schemes can make" Delete "to achieving" and Add: "in promoting"	Update Clarity
Please note this is Page 13 on the New Policy Doc	Second paragraph after the words "from the" Delete: "Licensing Act 2003, Section 182 Guidance are", Add: "the Secretary of State's Guidance".	Correction to correspond to earlier changes
Page 10	Delete paragraph and replace with below:	More consistent with
Para. 6.11 (now 7.9) Please note this is Page	"Criminal Activity - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises: • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971	Home Office Guidance.
13/14 on the	and the laundering of the proceeds of drugs crime;	
New Policy	for the sale and distribution of illegal firearms;	
Doc	 for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; 	
	for the illegal purchase and consumption of alcohol by minors which impacts on the	

	 health, educational attainment, employment prospects and propensity for crime of young people; for prostitution or the sale of unlawful pornography; by organised groups of paedophiles to groom children; as the base for the organisation of criminal activity, particularly by gangs; for the organisation of racist activity or the promotion of racist attacks; for employing a person who is disqualified from that work by reason of their immigration status in the UK; for unlawful gambling; and for the sale or storage of smuggled tobacco and alcohol. The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered." 	
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 (now 7.10)	Delete: "advice provided in the guidance issued by the Home Office under section 182 of the Act" Add: "Secretary of State's Guidance". Add second new Para:	Consistency with other policy amendments.
Please note this is Page	"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	Reflect changes to legislation

14 on the New Policy Doc	have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs. "	This was moved up after consultation
Page 11 Para 6.16	Move "Smuggled Goods" to sit above para 6.16 (now 7.12)	Clarity on the reasons.
	Para 6.16 1) At the end of the sentence after the word "delivery" Add: "to provide	
Please note	traceability".	
this is Page 15 on the		
New Policy		
Doc		
Page 11 New	After Para 6.16 on Smuggled goods, Add:	Updated to take
Paras.		account of West Ham
Diagon note	"Olympic Park – Football Ground	United having
Please note this is Page	7.13 Premises where Police intelligence shows that football supporters congregate	Olympic Park as Home Ground.
15/16 on the	within the borough should consider in their application form the following conditions:	riome Giouna.
New Policy	within the borough should consider in their application form the following conditions.	
Doc	1)On Match Days for premises licensed for the supply of alcohol for	

All	consumption on the premises: a. Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials. b. Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s)." Replace all "interested party" with "other persons"	Changed as per Environmental Comments in Consultation Up to date term of reference as per Home Office Guidance and legislation
Pages 12 to 15 Please note this is Page 17 to 20 on the New Policy Doc	Move Sections 7 and 8 including map from here to sit below the new "Late Night Levy" section changing these sections to Section 17 and 18. Then amend Sections accordingly as detailed below.	amendments Improve flow and clarity
Page 12, Para 7.3 (now 18.3) Please note this is Page	After the word "one" Add: "or more".	Correct terms as per Act and Guidance.

38/39 on the New Policy Doc		
Page 13 Para 7.8 (now 18.8)	Delete the word "five" and Add the word "three"	Update as to New Home Office Guidance and Legislative changes
Please note this is Page 39 on the New Policy Doc		from the Policing and Crime Act 2017 Affective from 25/04/2018
Page 13 Para 8 (no 19)	After the words "Brick Lane" Add "and Bethnal Green"	Clarify as now 2 CIZs
Please note this is Page 40 on the New Policy Doc		
Page 13, Para 8.1 (now 19.1)	After the words cumulative impact policy Add the words "for the Brick Lane area". After the word "Council Add "and came into effect on 1st November 2013"	Clarify as now 2 CIZs Update.
Please note this is Page 40 on the		

New Policy Doc		
Page 13 Please note this is Page 40/41 on the New Policy Doc	After Para 8.2 (now 19.2) Add below Para: This to delete previous reviewed para 8.3 below: 8.3 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	Bethnal Green CIZ.
	This para now becomes 8.3 "The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14 th December 2017. Following this review and consultation in early 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.	
	Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area."	
All	Change all Para Numbers as per the insert of above.	Flow

pages/paras		
Page 13 para	After Authority is Delete the word "now".	Updates following
8.3 (now	Add an "s" to the Word "Figure" and add after the word "One "and Two".	adoption of Behtnal
<mark>19.4)</mark>	After the words "cumulative impact zone Add "within these areas". After this sentence	Green CIZ.
	Add the following sentence:	
Please note	"The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact	
this is Page	of the concentration of licensed premises in these areas and the stresses that the	
41 on the	saturation of licensed premises has had on local amenity, environmental degradation and	
New Policy	emergency and regulatory services in managing this impact."	
Doc	Change to para 8.4	
Page 14,	THIS HAS NOW BEEN DELETED WITH PARA AS PER BELOW.	Clarity
Para 8.4	At the end of the second sentence after the word "refused" Add: "by the Licensing Sub-	
	Committee"	
Page 14,	Delete para 8.4 and replace with following paras:	Changes post
Para 8.4		consultation to make
	19.5 "The effect of this Special Cumulative Impact Policy will affect applications in	CIZ Policy clearer.
Please note	respect of the sale or supply of alcohol on or off the premises and/or late Night	
this is Page	Refreshment for the following:	
41/42 on the		
New Policy	 New Premises Licences applications, 	
Doc	 New Club Premises Certificates applications 	
	 Provisional Statements, 	
	 Variation of Premises Licenses and Club Premises Certificate 	
	applications (where the modifications are relevant to the issue of	
	cumulative impact for example increases in hours or capacity).	
	The Licensing Authority expects such applications to have regard for and make	
	reference to the CIZ.	

- 19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.
- 19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:
 - Genuinely exceptional circumstances
 - Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
 - Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives)
 - Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area
 - Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues
- 19.8 This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

	 Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to: small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours premises which are not alcohol led and operate only within Framework Hours, such as coffee shops instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area. Examples of factors the Licensing Authority will not consider as exceptional include: that the premises will be well managed and run that the premises will be constructed to a high standard 	
	 that the premises will be constructed to a riight standard that the applicant operates similar premises elsewhere without complaint." 	
Page 14, Para 8.5	Delete "Figure One"	No reference given in police to meaning of figure one.
Page 14 Para 8.5 (now 19.10)	After Para 8.5 in Bold font after word "Brick Lane" Add: "and Bethnal Green"	New adopted CIZ
Please note this is Page 43 on the		

New Policy		
Doc Page 14	After Para 8.5 make para below the heading mentioned above para 8.6 (this will change	Take account of new
Please note	after paras are correctly amended).	adopted CIZ in Bethnal Green
this is Page 44 on the	In this para after and "s" to the word "Zone" and Delete "is" and replace with "are". Add an "s" to the word "map".	
New Policy Doc	Delete the sentence after the word "below".	
Page 15	Replace Map with clearer CIZ Map showing zone and add "Figure One – Brick Lane CIZ"	<u>Clarity</u>
After page 15	Add "Figure Two – Bethnal Green CIZ" and add map of zone.	Update after adoption of Bethnal Green CIZ
Please note this is Page		
46 on the New Policy		
Doc		
Page 15 Section 8 Public Safety	This now becomes section 8 and all sections beyond this increase accordingly.	Take note of move of Sections 7 and 8.
Please note this is Page		
21 on the New Policy		
Doc 45	After Dave C.C. (nov. C.C.) Insort following Dave	Decrease from
Page 15	After Para 9.6 (now 8.6) Insert following Para:	Response from Community Safety
Please note	8.7 "One of the Council's Community Safety Partnership Priorities is tackling	during consultation.

this is Page 21 on the New Policy Doc	violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:	
	 Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises, Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services. 	
	The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above."	
	Amend numbering of para's below this accordingly.	
Page 16, para 9.4 (now para	After the word "attaching" Add "proportionate and appropriate".	Clarity and flow more in line with Home
8.8).	After the words "Conditions drawn from" Delete: "a" and Add: "the".	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: "found in the Secretary of States Guidance"	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 (now 9)	Add the word "Public" before the word "Nuisance"	Correction to be consistent with guidance/legislation.

Please note this is Page 22 on the New Policy		
Doc Page 16 para 10.3 (now 9.4)	After word "Identified on 3 rd line Delete "8.2" and Add: "Section 18 of this Policy (Special Cumulative Impact Policy for Brick Lane and Bethnal Green Area)" After the word "Conditions" last line Add: "found in the Secretary of States Guidance"	Changes in light of the move of the CIZ section Change to reflect removal of Home Office modal conditions as an appendix.
		Take account of new adopted Bethnal Green CIZ.
Page 16	Add new paragraphs as per below:	Additional paragraphs to take
Please note this is Page 22 on the New Policy Doc	9.4 Street Furniture – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.	account of these issues.

9.5 Fly Posting - The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control." After sentence ending with the word "entertainment" Add the following: Page 16 Para Comment from 11.1 (now Community Safety 10.1 etc.) "The protection of children from harm includes the protection of children from regarding CSE. moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms Please note this is Page such as exposure to strong language and sexual expletives (for example, in the 23 on the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect **New Policy** Doc children from sexual exploitation when undertaking licensing functions." Then Add new para below (9.2): 10.2 "Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to: Understand that there are criminal offences in relation to sexual exploitation of a child, • Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it; Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report

	concerns to."	
Page 16 Para 11.2	Delete and move to below para 11.3.	Improve flow.
Page 16 Para. 11.3 (now 10.3)	After the word "Are" Delete entire sentence and Add the following: "to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm"	Identifies Responsible Authority.
Page 16/17 Para. 11.4 (now 10.5) Please note this is Page 24 on the New Policy Doc	First bullet point after the word "convictions" Add: ", Fixed Penalty Notices (FPNs) or formal cautions".	Fixed Penalty Notices and formal cautions should be considered as these are enforcement actions.
Page 18 Para. 11.8 (now 10.9) Please note this is Page 24 on the New Policy Doc	End of the sentence after the word "Bulletin" Add: "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".	Provide clarity for the reasoning of the para.
Page 18 Para. 11.9	End of the sentence after the word "harm" Add new sentence: "This will require operating plans to specify these measures and management controls	Improve policy to make more robust in

(now 10.10)	taking into account paragraph 9.1 and 9.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff."	terms of what is expected in terms of protection of children from harm.
Page 18	After Para. 11.10 add following paragraphs:	Firm up the Licensing Authority's approach
Please note this is Page 25/26 on the New Policy Doc	10.11 "The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the abuse of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm."	to protection of children in line with Corporate Strategy. Additions due to consultation
	10.12 "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.	response from Trading Standards
	10.13 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. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.	

10.14 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."

10.15 "Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:

- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
- 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals."

Page 19 para. Delete "11.1" and Add: 10.1

Take account of

13.2 (now 12.2		movement of sections as per above.
Page 19 Para 13.4 (now 12.4)	After the word "conditions" Add: that can be found, then after the word "in" Add:" the Secretary of State's Guidance and Delete Appendix 2	Update.
Please note this is Page 27 on the New Policy Doc		
Page 19 Paras. 14.1 to 14.3 (now 13.1 to 13.3)	Change Font to Ariel size 12.	Correct to same Font and size as rest of Policy Document.
Page 20 Para. 15.1 (now 14.1)	After "This Part of the" Add the word "Policy". After the sentence ending in "framework hours" Delete "It only has any application when the", and Add "This only applies where the Licensing Authority's". Then Delete "of the local authority".	Improve flow and clarity
Page 20 Para. 15.4 (now 14.4)	Add "(30 minutes)" after the word "hours" (last line).	Clarity.
Please note this is Page 28 on the		

New Policy Doc		
Page 23 para 17.5 (now 16.5) Please note this is Page 31 on the New Policy Doc	Delete para and replace with: Licensing and Planning are two separate regimes. As a matter of law the Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However the Licensing Authority would generally expect applicants to have planning and other permissions required for lawful operation of the premises in place at the time of the licensing application.	This makes the distinction between Licensing and Planning regulatory systems clearer, and ensure that applicants seek planning consent prior to application for licence.
Page 24 Para. 17.9 (now 16.9) Please note this is Page 31 on the New Policy Doc	Delete Website link and Add: "http://www.towerhamlets.gov.uk/lgnl/environment_and_planning/planning/Planning.asp x"	Correct website address.
Page 24 Paras. 17.11 to 17.18 Please note this is Page	Delete these paragraphs.	Late Night Levy adopted on 1 st January 2018 and new Policy will have relevant section on this power. These

32/3 on the New Policy Doc		paras are therefore redundant.
Page 26, before Section 18	Delete Section 18 "Sexual Entertainment" (this will change in number due to changes above)	Sexual Entertainment moved and amended.
Please note this is Page 34/38 on the New Policy Doc	Add: new section relating to the introduction of the Late Night Levy (this will be Section 17 following deletions and para numbers changing): 17 "Late Night Levy 17.1 Following formal consultation in 2017 the Council introduced a Late Night Levy within the borough on 1st January 2018, with the levied hours being midnight to 6am (00:00 to 06:00 hours). The levy is a discretionary power, which this Council has adopted.	Late Night Levy adopted by Full Council and introduced on 1st January 2018.
	 17.2 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in the following legislation: Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2 The Late Night Levy (Application and Administration) Regulations 2012 The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012. 	
	17.3 The purpose of the levy is to assist local authorities and the police to manage and improve the night time economy. The money raised by the levy can be used for a range of activities and can be given to other agencies where they can assist in the reduction of crime and disorder, promotion of public safety, reduction or prevention of public nuisance, and cleaning of highways or land in the Borough.	

17.4 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).

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

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

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

Rateable Value Bands (based on the existing fee bands)	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	£ £125,001 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	Ex3 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

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

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

17.9 Exemptions from the Levy

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

a) Premises with overnight accommodation;

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

b) Theatres and cinemas;

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

c) Bingo Halls;

these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity,

d) Community Amateur Sports Clubs;

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

e) Community premises;

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

f) New Year's Eve Premises only,

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

17.10 No exemptions will be granted for the following:

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

17 11 Reductions

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

No reduction will be given to premises subject to small business rates relief. This has been decided because these premises receive business rates relief to assist in their

	viability; however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Furthermore due to their rateable value, they are more likely to be liable to the lower levy amounts. 17.12 Temporary Event Notices (TENs) The levy does not apply to Temporary Event Notifications (TENs)." Note: as per above Amended Sections 7 and 8 (now 18 and 19) are now to be inserted here under section 17.	
Page 26 Section 18	Add the following to sit under section 19 and the new Bethnal Green CIZ Map 20 Sexual Entertainment	Create new section following deletion of section 18 due to adoption of Sexual
	20.1 The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4'.	Entertainment Policy.
Page 28/29 Section 19	Amend section 19 as per below and move section to sit under Section 22 "Temporary Event Notices Process" (now section 23) "Enforcement" will become Section 24.	Flow.
Page 28 between Paras 19.4 and 19.5	Insert new paragraph and change numbering accordingly: "19.5 Following this Policy the Steps that can be taken by the Licensing Authority Council include can take the following action:	Moved from Review Process as flows better here.
Please note	a. Taking no action;	
this is Page 45//46 on the	b. Issuing an informal warning;	
New Policy	c. Recommending improvements within a particular time;	

Doc	 d. Monitoring by regular inspection and invite to seek a further review if problems persist; e. Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution." 	
Page 28 Para. 19.9 Please note this is Page 46 on the New Policy Doc	After end of 1st sentence Add: "The Secretary of State's Guidance contains" then reduce caps on "A" to reduce to "a", then after conditions Delete: is included in the appendix.	Correct to new information above and Home Office Guidance.
Page 29 Please note this is Page 46/47 on the New Policy Doc	Before: "20 Live Music, Dancing and Theatre" Add: "21 Late Night Refreshments and Deregulation Act 2015 21.1 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Licensing authorities can choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises. 21.2 The Licensing Authority can only exempt types of premises set out in the regulations. These are:	Changes in legislation since last policy review.

Page 29 Para. 20.5 (now 22.5) Please note this is Page	 Motorway service areas; petrol stations; local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present; schools (except domestic premises) unless there is an event taking place at which more than 500 people are present; hospitals (except domestic premises); community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present; licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00. 21.3 This Licensing Authority has decided it is not appropriate for the reasons of promotion of the licensing objectives to use the exemptions, and it requires all late night refreshment providers to be licensed." Add full stop after "venues" and Add: "This is" before the word "subject". Delete "relating to" and Add: "where the", after the word "premises", then add: "are". 	Improve flow and clarity.
47 on the New Policy Doc		
Page 29 Para. 20.6 (now 22.6)	Add full stop after "premises" and Add "This is".	Improve flow.

Please note this is Page 47 on the New Policy Doc		
Page 31 Para 21.1 (now 24.1) Please note this is Page 49 on the New Policy Doc	Delete: "(for less than 500 people at a time and lasting for no longer than 96 hours)". At the end of the 1 st sentence Add: "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 23.4 and 23.5 below for this Licensing Authority's required notice period)."	Update to take account of legislation/guidance changes and improve flow and clarity.
Page 31 Paras. 22.2 to 22.5 Please note this is Page 49 to 51 on the New Policy Doc	Delete Paragraphs 22.2 to 22.5 and Replace with: "24.2 Temporary Event Notices (TENs) authorise "one-off" licensable activities on a premises without the need for a premises licence or club premises certificate. TENs are not a Licence but a notification to the Licensing Authority, Police and Environmental Health of the intention to carry out Licensable activities. There are certain restrictions relating to TENs set out in the Act: a) the number of times a person (the "premises user") may give a TEN (these figures are inclusive of Late TENs): - 50 times per calendar year for a personal licence holder,	Update to take account of legislation/guidance changes and improve flow and clarity. Strikethroughs are deletions for future proofing
	 5 times per calendar year for other people (non personal licence holders); b) the number of times a TEN may be given for individual premises is 15 times in a 	

- calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;
- c) the length of time a temporary event may last is 168 hours (this relates to the licensable activities only);
- d) the scale of the event in terms of the maximum number of people attending at any one time can be no more than 499 (including staff/volunteers etc. running the event).
- 24.3 Where events are planned outside the limits above, an application must be made for a limited duration Premises Licence.
- 24.3 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"
- 24.4 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.
- 24.6 Applications for TENs must be made using the prescribed form. Applications must be given to the Licensing Authority and the Metropolitan Police in duplicate.
- 24.7 It should be noted that the Metropolitan Police and the Council's Environmental Health Notice Service are the only bodies who may make representations to a TEN. However, these two bodies may object to a TEN on grounds that any of the licensing objectives would not be promoted should the event go ahead. Where objections are received the matter will be put before the Licensing Authority's Licensing Sub-Committee. The Licensing Sub-Committee may:
 - i. Allow the TEN to go ahead
 - ii. Reject the TEN
- 24.8 The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 23.2 (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).

	24.9 These "Late TENs" can be submitted to the Licensing Authority, Metropolitan Police and the Council's Environmental Health Noise Section between 5 and 9 days 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.	
	24.10The 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."	
Page 32	Delete Para, and replace with:	Better explanation on
Para. 22.6 to 22.8	"24.11 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	TENs in CIZ area, and avoid duplication from above added
Please note this is Page 52 on the New Policy Doc	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."	paras.
Page 32	As covered above insert Enforcement Section (previously section 19 now Section 25) above Review Process Section.	Flow
Please note this is Page		
52 to 54 on		

the New Policy Doc		
Page 32 Para. 23.1 (now 26.1) Please note this is Page 54 on the New Policy Doc	Delete "Police, Fire Authority", Replace with "responsible authorities".	Responsible authorities includes more than just Police and Fire Authority.
Page 32 Paras. 23.2 and 23.3 (now 26.2 and 26.3) Please note this is Page 54 on the New Policy Doc	Add "There are proceedings" and Delete "Licensing" and "2003".	Improve flow of policy.
Page 32 Para. 23.5 (now 26. 5) Please note this is Page 55 on the	Delete "London Borough of Tower Hamlets", Add "Council"	Flow as mentioned at above.

New Policy Doc		
Page 32 Para. 23.5 (now 26.5)	Delete "London Borough of Tower Hamlets" and replace with "Council"	Improve flow of policy.
Please note this is Page 55 on the New Policy Doc		
Page 33 Para. 23.7 (now 26.7)	Delete "contained" and Add "described in Part 8 of the Act (for example, closure orders), then Delete" in legislation and Add a comma.	Corrected to mirror Home Office Guidance
Please note this is Page 55 on the New Policy Doc		
Page 33 Para. 23.8 (now 26.8)	Delete "The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:", Add: "Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:"	Corrected to mirror Home Office Guidance and Council's
Please note this is Page 55/56 on the New Policy Doc	Subparagraph a. Delete "Modifing 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: "Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);"	Enforcement Policy.

	Subparagraphs b. c. d. and e. Change initial word to "Exclude, Remove, Suspend, Revoke respectively. After subparagraph e Then Delete "Steps that can be taken by" Add: "Following this Policy", Delete: "Council include", Add "Licensing Authority can take the following action: After Subparagraph d. Add another subparagraph: "Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution." Move this new paragraph to sit under Enforcement Section above as Paragraph 25.5.	
Page 34 Para. 23.10 Please note this is Page 56 on the New Policy Doc	Delete "Licence Suspension", "Add Non Payment of Licence Fee". Delete "This is a power brought as part of the", Add "In accordance with the" then Delete "brought about by", Replace full stop with comma and Drop Caps on "The".	Better clarity with Home Office Guidance
Page 34 Para. 23.11	Delete "regulation", Add legislation, After the word "days" Add "notice that the licence will be suspended," Delete "Place (end of sentence) and Add "effect".	Better clarity with Home Office Guidance
Page 34 Para. 23.12	Add "It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send". Drop Caps on "A".	Improvement and clarity.

	After the word "payment", Add: "to the licence holder giving 28 days from the date of the letter to make the required payment". Delete "will be sent and the Licensing Authority will then take". After "If" Add: "no", after "payment is" Add "received the Licensing Authority will take". Delete "if payment is not received within 28 days".	
Page 34 Para. 23.13	Before "Income" Add "Following the action to suspend the licence", and drop caps on "Income" to say "income". After "payment" Add: "is received".	Clarity.
Page 32 Para 23.3	Before the Word "Under" Add "There are proceedings" and drop the caps on "Under"	Clarity
Page 34 Paras 23.10 to 23.13	Move to sit under at end of "Enforcement" Section to become Paragraph 25.11 to 25.14, pages 53/54.	Improve flow.
Page 34 Para. 24.1	After "licensing authority and" Add "surrendered the licence or".	Clarity.
(now 27.1)	After the word "Authority" in the last sentence add the following: "Please note that should the DPS cease to work/be employed by the premises the	Improves what is expected of Licensee
Please note this is Page 57 on the New Policy Doc	Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority."	and DPS.
	The Add 3 new Paragraphs: "Every premises licence that authorises the sale of alcohol must specify a designated	

premises supervisor (DPS). This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. The DPS to be a person with day to day managerial control of the premises who will take reasonable steps to ensure the licensing objectives are promoted and licence conditions are adhered to

Though there is no requirement for a designated premises supervisor (DPS) to be on the premises at all times that alcohol is being sold, the Licensing Authority expects where they are likely to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, that a new DPS to be appointed to cover the period of absence. If there are concerns that a DPS is repeatedly absent, the Police may apply for a review of the Premises Licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives."

Where the DPS is not present at the premises the Licensing Authority, following guidance by the Secretary of State, recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. The letter of authorisation should state the following:-

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

	It should be noted that the responsibility remains with the Premises Licence Holder and the Designated Premises Supervisor."	
Page 34 Para. 25.2 (now 28.2) Please note this is Page 58 on the New Policy Doc	At end of sentence Add: "The Licensing Authority will also refer such practices to other authorities, where appropriate.".	Such matters relating to discrimination etc. may require us to report it to other authorities.
Page 35 Para. 28.3 (now 31.3) Please note this is Page 59 on the New Policy Doc	After "The" Add "following", Delete "on the following page".	Improve flow.
Page 36 Para. 28.4 (now 31.4) Please note this is Page 60/61 on the	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.

New Policy Doc		
Page 37 Para. 28.6 (now 31.5)	After "Licensing function" Add "and". After appropriate Add "written"	Clarity.
Please note this is Page 61 on the New Policy Doc		
Page 37 Para. 28.7 (now 31.7	Between the words "Licensing" and "Team" Add "Safety".	Update.
Page 38 Appendix 1	Change to new List of Responsible Authorities.	Update.
	Add after "Appendix 1:" "(Please note this is subject to updates where below contact details change, and will be updated regularly as needed)"	
Page 41 Appendix 2	Replace with current conditions:	Update and correct legislation.
Please note this is Page	Mandatory conditions <i>Made under the Licensing Act 2003 and</i> associated Orders	
68 on the New Policy	No supply of alcohol may be made under the premises licence-	
Doc	a) at a time where there is no designated premises supervisor in respect of the premises licence, or	
	b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended	

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability
- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

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

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula P = D + (D x V)

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence

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

For "OFF SALES ONLY" Add the following conds...

3.

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula P = D + (D x V)

where —

- (i) **P** is the permitted price
- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a

	licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny. 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax	
	duty or value added tax (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day	
Page 43 Appendix 3	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).	Update and removes the need to update if guidance is updated.
Page 73 Appendix 4	Replace Address with:	Update.

	Licensing and Safety Team	
Please note	Environment Health and Trading Standards	
this is Page	John Onslow House,	
106 on the	1 Ewart Place,	
New Policy	London E3 5EQ	
Doc		
	Change to Appendix 3	
New	Add Appendix 4: Sexual Entertainment Venue Policy. Insert Policy	Update.
Appendix		
Please note		
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107 to 122 on		
the New		
Policy Doc		



Effective 1st November 20138

The London Borough of Tower Hamlets STATEMENT OF LICENSING POLICY

2018 - 2023

Statement of Licensing Policy under the Licensing Act 2003

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Background and Context

This Policy should be read in conjunction with:

The Licensing Act 2003 available from

http://www.legislation.gov.uk/ukpga/2003/17/contents www.hmso.gov.uk/acts/acts2003/20030017.htm or by telephoning 01603 723011 +44 (0)333 202 507

Government Guidance under Section 182 of the Licensing Act 2003:

available on the website <u>www.gov.uk</u> www.dcms.gov.uk or by telephoning 020 7211 6200 020 7035 4848

Tower Hamlets guidance documents on making applications under the Licensing Act 2003 available from http://www.towerhamlets.gov.uk/licensing Ignl/business/licences/alcohol_and_entertainment/alcohol_and_entertainment.aspx *//www.towerhamlets.gov.uk/lgsl/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 Fair and Prosperous Community
A Safe and Cohesive Community
A Healthy and Supportive Community

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

http://www.towerhamlets.gov.uk/lgnl/community_and_living/community_plan/strategic_plan.aspx www.towerhamlets.gov.uk/lgsl/.../800022_community_plan.aspx

1 Introduction

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

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

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

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

- 1.2 This policy is intended to provide clarity to applicants, 'other persons' and 'responsible authorities' on how this Licensing Authority will determine applications for the following licensable activities:
 - Retail sale of alcohol
 - Supply of alcohol to club members
 - Provision of regulated entertainment (as defined in Schedule 1 of the Act)
 - Supply of hot food and / or drink between 23:00 and 05:00 hours

2 The Policy

- 2.1 This 'Statement of Licensing Policy' was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State's Guidance issued under Section 182 of the Act.
- 2.2 The 2003 Act requires that the Licensing Authority, after consultation, adopts and publishes a "Statement of Licensing Policy" that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application

will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively.

- 2.1 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and the draft Guidance issued under Section 182 of the Act.
- 2.2 The 2003 Act requires that the Council, after consultation, adopts and publishes a Licensing Policy. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will generally apply the policy when making decisions on applications made under the Act. However each individual application must still be treated on its own merits and must be given proper consideration.

3 Consultation

- 3.1 Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are:
 - the Chief Officer of Police.
 - the Fire and Rescue Authority.
 - Director of Public Health within Tower Hamlets
 - representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough
 - such other persons considered to be representatives of business and residents in the area.

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

- 3.1 The Council recognises the important role of responsible authorities, the licensing trade, local residents and other stakeholders have to play in influencing this Policy. The Council will consider a wide range of views that are made in response to the consultation before finalising and publishing the policy in 20183.
- 3.2 The Council Licensing Authority will ensure that its consultation is broadly based, available on the internet, and the responsible authorities as well as wide range of community, public, welfare and religious organisations, and other key stakeholders are consulted.
- 3.3 The Council Licensing Authority will give due weight to the views of all the persons / bodies consulted before the Policy Statement is agreed and implemented by the Council.
- 3.4 The Licensing Authority undertakes to involve the Tower Hamlets Community

Safety Partnership (or equivalent organisation) in policy development and review.

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

4 Main Principles of the Licensing Policy

- 4.1 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:-
- 4.2 The prevention of crime and disorder

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

4.3 Public safety

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

4.4 The prevention of public nuisance

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

4.5 The protection of children from harm

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

- 4.6 All of the Policy and its implementation must be consistent with those four objectives.
- 4.7 Nothing in the Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits and / or override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 4.8 Licensing is about regulating licensable activities of licensed premises, by

qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are within the control of individual licensees.

- 4.8 Licensing is about the regulation of licensable activities on licensed premises and the people in control of selling alcohol and or selling hot food and drinks past 23:00hrs and before 05:00 hrs. Conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.9 In relation to all applications where the Licensing Authority's discretion is engaged it will consider the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.
 - 4.9 In relation to all applications, however, if its discretion is engaged, the Licensing Authority will also consider the impact on the vicinity of the application.
- 4.10 The Police Reform and Social Responsibility Act introduced the provision for the licensing authority to make representations. The Licensing Authority will not make representations that should be made by another responsible authority. The Licensing Authority may wish to make representations on its own account when they could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by licensing officers or which undermines the licensing objectives.
 - 4.11 The Directors of Public Health (DPH) is also now a responsible authority. It is expected that the DPH will be particularly useful in providing evidence of alcohol-related health harms (perhaps in relation to cumulative impact policies or early morning restriction orders). The DPH may also be useful in providing evidence such as alcohol-related Accident & Emergency admissions or ambulance service data that might be directly relevant to an application under the Act.
- 4.11 If representations are made by a "responsible authority" or interested party a hearing would then be convened where the Licensing Authority would exercise its desecration other persons the application will be determined by 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. Where this occurs the Licensing Authority's discretion is engaged and it may insert conditions such as ones detailed further on in this policy.
- 4.12 Where no representations are made the application will be granted subject only to

- the mandatory conditions and or conditions that are consistent with the applicant's operating schedule.
- 4.13 When considering these conditions the addition of conditions consistent with applicant's operating schedule the Licensing Authority will ensure that such conditions are enforceable and proportionate. primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.14 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.
- 4.15 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
- 4.16 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.
- 4.17 The responsible authorities are given in **Appendix 1.**

- 4.18 Consultation with local residents Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents. about a premises or club which is applying for a licence is carried out by the business which is applying for the licence. Notification of applications under the Licensing Act 2003 is limited This statutory consultation requires an advertisement of the application in a local paper and the display of a pale blue notice on the premises, both done by the applicant. Failure to adhere to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period.
- 4.19 Following consultation the Licensing Authority has determined decided it will to itself contact all residents and businesses within 40 meters of the applicant's premises, where the application is for a new club or premises licence or its variation. The consultation will be strictly neutral, and will repeat the information required in the statutory notification.
- 4.20 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.
- 4.21 In respect of paragraphs 4.19 and 4.20 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 requirements.

4.21.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 of delaying any application.

5 The Licensing Authority as a Responsible Authority

- 5.1 The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.
- 5.2 The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.

- 5.3 The Council as a Licensing Authority is not expected to act as responsible authorities Authority on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 5.4 It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 5.5 The 2003 Act enables the Council as a licensing authorities to act as a responsible authority as a means of early intervention; it may do so where it considers it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 5.6 The Council recognises that in cases where it as the licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.
- 5.7 The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different individual to the officer who is acting for the responsible authority.
- 5.8 The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other

- responsible authorities. Representations, subject to limited exceptions, must be made in writing.
- 5.9 At the outset, of an application, or another licensing process a Licensing Officer in the Licensing Team will be allocated to act as the Licensing authority acting as a responsible authority. This licensing officer is not involved in the application process but sets up a separate record to consider the application for the authority in its capacity as responsible authority, engaging with other responsible authorities where appropriate and determining whether the authority acting as a responsible authority wants to make a representation. In certain circumstances the officer acting for the Licensing Authority as a Responsible Authority will be an officer from another team.

6 Home Office as a Responsible Authority

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

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

- 6.2 From 6th April 2017 Licensing Authorities will check the eligibility to work for those applying for personal licences and premises licences for the sale of alcohol and late night refreshment (hot food or drink between 23:00 and 05:00 hours).
 - This does not apply to the licensable activity of Regulated Entertainment <u>ONLY</u> or Club premises certificate and temporary event notices (TEN). However, they will commit a criminal offence if they work illegally.
- 6.3 Those applying for a personal or premises licence (for sale of alcohol/provision of late night refreshment) must be able to satisfy the Licensing Authority that they have permission to be in the United Kingdom (UK), and are entitled to undertake work relating to the carrying on of a licensable activity. Essentially this means that licence cannot be granted to disqualified persons who are:
 - Unlawfully present in the UK,
 - Not permitted to work in the UK,
 - Permitted to work, but not in this licensable activity.

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

- 6.4 The application for personal and premises licences must submit one of the documents listed in Annex A of the Secretary of State's Guidance with their application, to show that they have permission to be in the UK and to undertake work in a licensable activity. Applicants may provide photocopies or scanned copies of the documents, which do not need to be endorsed as a copy of the original. Applicants are not required to submit original copies of documents.
- 6.5 Where an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.
- A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder's permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.
- 6.7 The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:
 - An enforcement operation or data sharing that identifies a relevant offence.
 - The issue of a civil penalty for employing illegal workers,
 - The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.

7 Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder *licensing* objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police, acting as a responsible authority, makes recommendations *in respect of an application* for

premises that relate *relating* to the licensing objectives *the Licensing Authority* would expect the applicant to incorporate these into their the operating schedule should normally incorporate the recommendations.

- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200 (See Appendix 2.) the Secretary of State's Guidance.
- 7.6 **CCTV** The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 7.7 **Touting** This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

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

- 6.7 Touting The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 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.
- 7.8 **Responsible Drinking** The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group *Code of Practice*. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make *in promoting* to achieving the licensing objectives and is committed to working with them.

Model Pool Conditions can be found from the Licensing Act 2003, Section 182 Guidance are in the Secretary of State's Guidance Appendix 2.

- 6.10 Illicit Goods: Alcohol and Tobacco The Licensing Authority will consider licence review applications where there is evidence that smuggled alcohol has been offered for sale on the premises. Where other smuggled goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 7.9 **Criminal Activity** There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:
 - for the sale and distribution of drugs controlled under the Misuse of Drugs

Act 1971 and the laundering of the proceeds of drugs crime;

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

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

- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Smuggled goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.
- 7.10 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found

to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs.

Smuggled goods

- 7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-
 - The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
 - 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.

Olympic Park – Football Ground

- 7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:
 - 6) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:

- a. Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
- b. Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

7 Cumulative Effect

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- 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. Effective 1st November 2013.

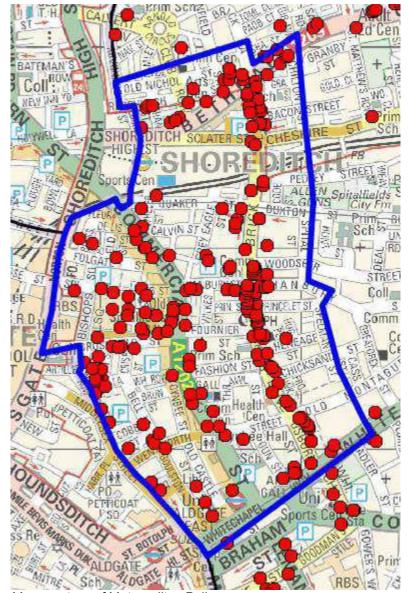
8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications 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. Effective 1st November 2013.



Map courtesy of Metropolitan Police

8 Public Safety

- 8.4 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.
- 8.5 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 Brigade and Emergency Planning Authority before preparing their plans and Schedules.
- 8.6 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.
- 8.7 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
 - Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
 - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.

The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above.

- 8.8 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance as proportionate and appropriate are contained in Appendix 2.
- 8.9 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.

9 Prevention of *Public* Nuisance

- 9.1 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.
- 9.2 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.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2 Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

10 Prevention of Harm to Children

- 9.1 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. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 9.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
 - Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
 - 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.
- Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate, to consult with the Responsible Authority designated for Child Protection listed in appendix 1 List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 9.4 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.
- 9.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-

- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided
- Where irresponsible drinking is encouraged or permitted.
- 9.6 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
- 9.7 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.
- 9.8 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.
- 9.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin *by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.*
- 9.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 11.1 and

- 11.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.
- 9.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safeguarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 9.12 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.
- 9.13 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. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 9.14 Training in age verification systems 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.
- 9.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
 - 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the

member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

10 Access to Cinemas

- 10.1 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.
- 10.2 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.
- 10.3 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.

11 Children and Public Entertainment

- 11.1 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.
- 11.2 Where 10.1 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

- 11.3 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.
- 11.4 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 that can be found in the Secretary of State's Guidance Appendix 2

12 Health Considerations of Licensing

- 12.1 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.
- 12.2 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.
- 12.3 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.

13 Licensing Hours

- 13.1 This Part of the *Policy* Statement details the Licensing Authority's approach to licensing hours. It states the reasons for the policy and identifies the issues the Licensing Authority will take into account when considering applications during the framework hours. *This only applies where the Licensing Authority's* It only has any application when the discretion of the local authority is engaged.
- 13.2 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.
- 13.3 The policies set out in this Part may, depending on the circumstances of the application, apply to applications for a provisional statement.
- 13.4 Any condition setting out the hours of premises refers to the hours during which alcohol may be sold or supplied, or (as appropriate) the hours during which other licensable activities may take place pursuant to the premises licence or club premises certificate. In attaching conditions on hours the Licensing Authority will generally require that customers should not be allowed to remain on the premises later than half an hour (30 minutes) after the cessation of licensable activities.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 Sunday 06:00 hours to 22:30 hours Monday to Thursday – 06:00 hours to 23:30 hours

Friday and Saturday – 0 6:00 hours to 00:00 hours (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.
- 13.9 Applicants who apply for authorisation to carry on licensable activities, throughout the entirety of the hours outside the frame work hours, when they do not intend to operate at these times run a risk that Responsible Authorities and interested parties may be more inclined, than they might otherwise be, to make relevant representations about the application.

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

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

- 13.10 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.
- 13.11 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.

14 Shops, Stores and Supermarkets

- 14.1 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.
- 14.2 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.

15 Integrating Strategies and Avoiding Duplication

- 15.1 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
- 15.2 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.
- 15.3 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.
- 15.4 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.
- Licensing and Planning are two separate regimes. As a matter of law the Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However the Licensing Authority would generally expect applicants to have planning and other permissions required for lawful operation of the premises in place at the time of the licensing application.

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.

- 15.6 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 rerun 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.
- 15.7 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.
- 15.8 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.
- 15.9 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 <a href="http://www.towerhamlets.gov.uk/lgnl/environment_and_planning/planning/Plannin

ing.aspx

http://www.towerhamlets.gov.uk/data/planning/index.cfm-

- 15.10 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.
 - 17.11The 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.
 - 17.12Regulations 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.
 - 17.13Guidance 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
 - 17.14With regard to exemptions, the licensing authority will have discretion whether to exempt certain premises or not.
 - 17.15Licensing Authorities also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
 - 17.16Any 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.
 - 17.17These 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.

- 17.18This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date.
- 15.11 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.
- 15.12 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.
- 15.13 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
- 15.14 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.
- 15.15 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.
- 15.16 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.
- 15.17 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.

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

— 18Sexual 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

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

18.3The 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.

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

18.5The 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.

18.6Only 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.

18.7Where 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.

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

18.9All 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.

18.10Where 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 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

16 Late Night Levy

16.1 Following formal consultation in 2017 the Council introduced a Late Night Levy within the borough on 1st January 2018, with the levied hours being midnight to 6am (00:00 to 06:00 hours). The levy is a discretionary power, which this Council has adopted.

- 16.2 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in the following legislation:
 - Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2
 - The Late Night Levy (Application and Administration) Regulations 2012
 - The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.
- 16.3 The purpose of the levy is to assist local authorities and the police to manage and improve the night time economy. The money raised by the levy can be used for a range of activities and can be given to other agencies where they can assist in the reduction of crime and disorder, promotion of public safety, reduction or prevention of public nuisance, and cleaning of highways or land in the Borough.
- 16.4 The Late Night Levy will be applied in accordance with this Policy, having regard to the governing legislation and Home Office Guidance issued on 24th March 2015 in relation to the Late Night Levy (or any subsequent guidance).
- 16.5 From 1st January 2018 holders of premises licences or club premises certificates that are authorised by their licence for the sale/supply of alcohol (on and/or off sales) between the levied hours (00:00 to 06:00 hours). This will apply whether the hours detailed in such licences for the sale/supply of alcohol are used or not.

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

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

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

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

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

16.9 Exemptions from the Levy

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

- a) Premises with overnight accommodation; this exemption does not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight,
- b) Theatres and cinemas; this exemption only applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production, or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose,
- c) Bingo Halls; these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity,
- d) Community Amateur Sports Clubs; these must be clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions including relief from business rates.
- e) Community premises; these must be premises that form part of the church hall, chapel hall, village hall, parish hall, community hall or other similar buildings,
- f) New Year's Eve Premises only, this relates to premises which are authorised to sell alcohol between midnight and 6am, ONLY applies on New Year's Day.
- 16.10 No exemptions will be granted for the following:
 - a) Country Village Pubs this has been decided because it is not relevant to a London Borough such as Tower Hamlets as the definition is pubs that are solely designated in rural settlements with a population less than 3000.
 - b) Business Improvement Districts (BIDs) BIDSs 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.

16.11 Reductions

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

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

16.12 <u>Temporary Event Notices (TENs)</u>

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

17 Cumulative Effect

- 17.1 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.
- 17.2 Representations may be received from a responsible authority / other persons 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.
- 17.3 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one *or more* of the licensing objectives.
- 17.4 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
- 17.5 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.
- 17.6 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.
- 17.7 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.
- 17.8 The Licensing Authority will review any special saturation policies every five three years to see whether they have had the effect intended, and whether they are still required.
- 17.9 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
- 17.10 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.
- 17.11 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.

18 Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 18.1 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 for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 18.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
 - 8.3 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
- 18.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 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.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

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 Figures One and Two is having a cumulative impact on the licensing objectives and has

therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.

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

- 18.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements.
 - Variation of Premises Licenses and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

- 18.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.
- 18.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their

applications:

- Genuinely exceptional circumstances
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives)
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues
- This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

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

18.10 The Cumulative Impact Zones isare detailed in the maps 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.

Figure One – Brick Lane CIZ

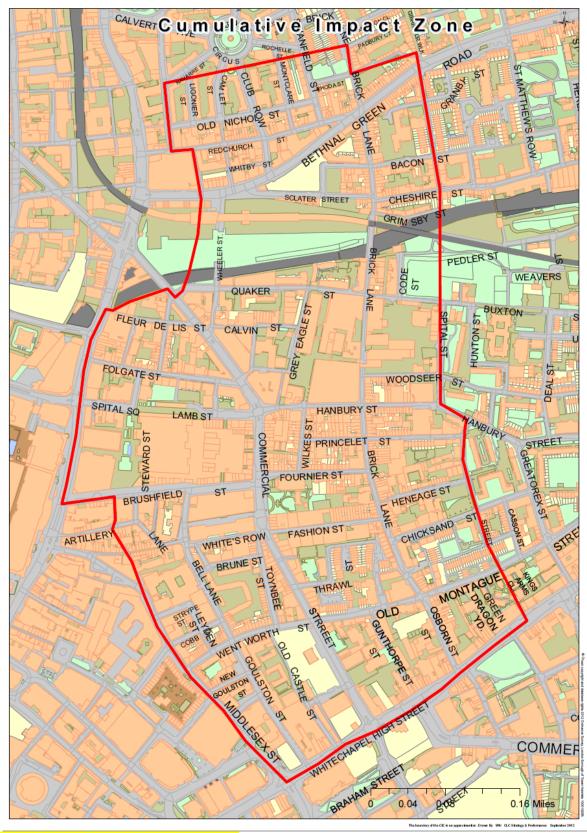
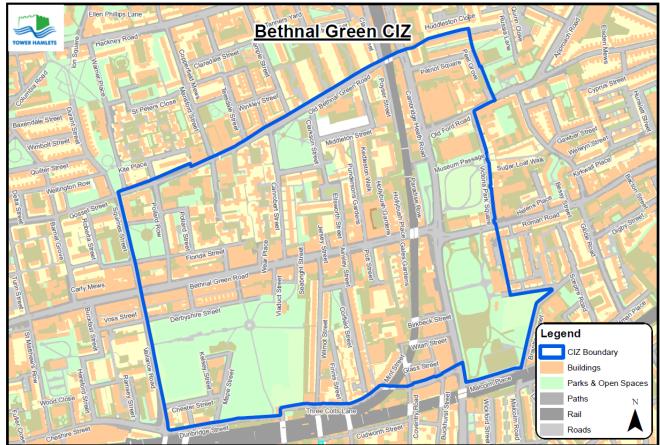


Figure Two - Bethnal Green CIZ



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19 Sexual Entertainment

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

19Enforcement

19.1Once 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.

19.2The 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.

19.3The 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.

19.4In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Councils 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

19.5Following this Policy the Steps that can be taken by the Licensing Authority Council include can take the following action:

- a. Taking no action;
- b. Issuing an informal warning;
- c. Recommending improvements within a particular time;
- d. Monitoring by regular inspection and invite to seek a further review if problems persist;
- e. Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.

19.6Conditions (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.

19.7Conditions should be: clear enforceable evidenced proportionate be expressed in plain language capable of being understood by those expected to comply with them.

19.8Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.

19.9Licensing authority cannot impose blanket standard conditions. The Secretary of State's Guidance contains a A pool of conditions is included in the appendix.

19.10Conditions 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 Late Night Refreshments and Deregulation Act 2015

- 20.1 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Licensing authorities can choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises.
- 20.2 The Licensing Authority can only exempt types of premises set out in the regulations. These are:
 - Motorway service areas;
 - petrol stations;
 - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - hospitals (except domestic premises);
 - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more

- than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.
- 20.3 This Licensing Authority has decided it is not appropriate for the reasons of promotion of the licensing objectives to use the exemptions, and it requires all late night refreshment providers to be licensed.

21 Live Music, Dancing and Theatre

- 21.1 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.
- 21.2 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.
- 21.3 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.
- 21.4 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act:
- 21.5 Removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues. *This is* subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence relating to where the premises are authorised to supply alcohol for consumption on the premises.
- 21.6 Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises. *This is* subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence.
- 21.7 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).
- 21.8 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.

22 Risk Assessments

- 22.1 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.
- 22.2 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.
- 22.3 Forms 696 and 696A are available on the Metropolitan Police web completion and transmission of the forms is undertaken by licensees.
- 22.4 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.
- 22.5 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.

- 22.6 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.
- 22.7 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.
- 22.8 Definition of a 'Significant Event'

 This definition relates to events that require a Promotion/Event Risk Assessment Form 696.
- 22.9 A significant event will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) meaning musicians, DJs, MCs or other artist; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
- 22.10 Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.

23 Temporary Event Notices Process

- 23.1 The Licensing Act 2003 allows small scale events (for less than 500 people at a time and lasting for no longer than 96 hours) which include any licensable activities to be held without the need for a premises licence. However advanced notice of at least ten full working days' notice must be given to the Licensing Authority and the Metropolitan Police (please see paragraph 23.4 and 23.5 below for this Licensing Authority's required notice period).
- 22.2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. The number of times a premise can be used in one year is limited to 12. In any other circumstances, full premises licence or club premises certificate would be required for the period of the event involved.
- 22.3 The Licensing authority, with other partners will assist organisers to plan their events safely, check that the limitations set down in the Act are being observed and that there are no limitations or restrictions under other legislation.

- 22.4 The Police must also be notified of an application. This allows the Police to intervene if necessary in order to prevent crime and disorder.
- 23.2 Temporary Event Notices (TENs) authorise "one-off" licensable activities on a premises without the need for a premises licence or club premises certificate. TENs are not a Licence but a notification to the Licensing Authority, Police and Environmental Health of the intention to carry out Licensable activities. There are certain restrictions relating to TENs set out in the Act:
 - a) the number of times a person (the "premises user") may give a TEN (these figures are inclusive of Late TENs):
 - 50 times per calendar year for a personal licence holder,
 - 5 times per calendar year for other people (non personal licence holders);
 - b) the number of times a TEN may be given for individual premises is 15 times in a calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;
 - c) the temporary event may last no more than 168 hours (this relates to the licensable activities only);
 - d) the scale of the event in terms of the maximum number of people attending at any one time can be no more than 499 (including staff/volunteers etc. running the event).
- 23.3 Where events are planned outside the limits above, an application must be made for a limited duration Premises Licence.
- 23.4 Paragraph 7.11 of t 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"
- 23.5 In accordance with this section of this Guidance, this Licensing Authority expects event organisers' to give at least 28 days' notice of a temporary event, and that the event has been discussed with Metropolitan Police before submission. This will ensure that full detailed discussion can take place between the organiser and any other interested parties in order to ensure promotion of the 4 licencing objectives. The maximum timescale this Licensing Authority will accept a TEN in advance of an event is 3 months.

- i. Organisers of outdoor events are strongly advised to contact the Council's Sports Leisure and Culture Department, Environmental Health and Health and Safety as well as the emergency services for advice.
- ii. With regards to giving notice to the relevant authority, as the term "give" used in section 100 of Licensing Act 2003 is not defined, the Licensing Authority considers this to mean the date on which the TEN is received by the Licensing Authority and not the date on which it was sent. Applicants are therefore advised to hand deliver notices if time is short, as late notices will not be accepted under any circumstances.
- 23.6 Applications for TENs must be made using the prescribed form. Applications must be given to the Licensing Authority and the Metropolitan Police in duplicate.
- 23.7 It should be noted that the Metropolitan Police and the Council's Environmental Health Notice Service are the only bodies who may make representations to a TEN. However, these two bodies may object to a TEN on grounds that any of the licensing objectives would not be promoted should the event go ahead. Where objections are received the matter will be put before the Licensing Authority's Licensing Sub-Committee. The Licensing Sub-Committee may:
 - i) Allow the TEN to go ahead
 - ii) Reject the TEN
- 23.8 The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 23.2 (b-d) above and the below limitations referred to below in relation to the number of times a person (the "premises user") may give a Late TEN, which is:
 - a) 10 times per calendar year for a personal licence holder,
 - b) **2** times per calendar year for other people (non personal licence holders).
- 23.9 These "Late TENs" can be submitted to the Licensing Authority, Metropolitan Police and the Council's Environmental Health Noise Section between 5 and 9 days c;ear working days before the event, this does not include the day of receipt of the TEN or the day of the proposed event. It should be noted that if either the Police or the Council's Noise and Nuisance team lodges an objection to a Late TEN the event will **not** go ahead.
- 23.10 The Licensing authority, with other partners, will provide advice where appropriate to help organisers to plan their events safely, check that the limitations set down in the Act are being observed and that there are no limitations or restrictions under other legislation.

- 22.6 Late TENS are limited in number and can be prevented by a single objection from a responsible authority. The maximum time period of a TEN is 168 hours.
- 22.7.A Cumulative Impact policy is designed to reduce crime. Disorder and nuisance from a concentration of licensed premises. Due to the Cumulative Impact Policy it is possible that objections will be made by the police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the designated zone.
- 22.8 The Licensing Authority expects to be given 28 days' notice of temporary events, and for them to have been discussed with the Metropolitan Police before submission to the Council.
- 23.11 TENs received that relate to premises within the Cumulative Impact Zone may be received objections from the pPolice or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the Cumulative Impact Zone (CIZ). Therefore persons giving TENs within this Zone should have regard for the Cumulative Impact Policy detailed above and the Secretary State's Guidance relating to Cumulative Impact. The reason for the CIZ is to reduce crime and disorder, and nuisance from a concentration of licensed premises.

24 Enforcement

- 24.1 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.
- 24.2 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.
- 24.3 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.
- 24.4 In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Councils 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

- 24.5 Steps that can be taken by Following this Policy the Council include Licensing Authority can take the following action:
 - f. Taking no action;
 - g. Issuing an informal warning;
 - h. Recommending improvements within a particular time;
 - Monitoring by regular inspection and invite to seek a further review if problems persist;
 - j. Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.
- 24.6 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 24.7 Conditions should be:

clear

enforceable

evidenced

proportionate

be expressed in plain language capable of being understood by those expected to comply with them.

- 24.8 Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.
- 24.9 Licensing authority cannot impose blanket standard conditions. The Secretary of State's Guidance contains a A pool of conditions is included in the appendix.
- 24.10 Conditions can only be carried forward from a premises licence or club premises certificate onto a TEN where relevant objections have been made by the Police or Environmental Health.
- 24.11 Licence Suspensions Non Payment of Licence Fee

 This is a power brought as part of the In accordance with the amendments brought about introduced by the Police Reform and Social Responsibility Act 2011, Tthe council must suspend premises licences and club premises

certificates on the non-payment of annual fees.

- 24.12 The regulations legislation states that the premises licence holder will be given at least 2 working days' notice that the licence will be suspended before the suspension is to take place effect.
- 24.13 It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send A a single request for payment to the licence holder giving 28 days from the date of the letter to make the required payment. will be sent and the Licensing Authority will then take If no payment is received the Licensing Authority will take measures to suspend the licence-if payment is not received within 28 days.
- 24.14 Following the action to suspend the licence income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment *is received* or licence surrendered.

25 Review Process

25.1 Working in partnership:

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

25.2 Purpose of reviews:

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

25.3 **Proceedings:**

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

25.4 Initiating Reviews:

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

- 25.5 The Police and Environmental Health Officers have various additional powers of - closure. The Licensing Authority cannot initiate its own reviews of premises licences, however, officers of the Council London Borough of Tower Hamlets who are specified as Responsible Authorities under the Act may request reviews.
- 25.6 In every review case an evidential basis for the allegations made will need to be submitted to the Licensing Authority. When a request for a review is initiated from a interested party other person, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.
- 25.7 Where the Licensing Authority receives a request for a review in accordance with the closure procedures contained described in Part 8 of the Act (for example, closure orders) in legislation, it will arrange a hearing in accordance with the regulations set out by the Government.
- 25.8 Powers following determination of review The Licensing Authority in determining a review may exercise the range of powers given to them to promote the licensing objectives. The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives: Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
 - a. Modifing the conditions of the premises licence (which includes the addition of a condition or any alteration or omission of an existing condition temporarily or permanently) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - b. Excludeing a licensable activity from the scope of the licence;
 - c. Removeing the designated supervisor;
 - d. Suspending the licence for a period not exceeding three months;
 - e. Revokeing the licence.

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

- a. Taking no action;
- b. Issuing an informal warning;
- c. Recommending improvements within a particular time;
- d. Monitoring by regular inspection and invite to seek a further review if problems persist;
- e. Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.
- 25.9 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 Non Payment of Licence Fee
 This is a power brought as part of the As per amendments brought about by
 the Police Reform and Social Responsibility Act 2011,. Tthe council must
 suspend premises licences and club premises certificates on the nonpayment of annual fees.
 - 23.11 The regulations *legislation* state that the premises licence holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place *effect*.
 - 23.12 It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send A a single request for payment to the licence holder giving 28 days from the date of the letter to make the require payment. will be sent and the Licensing Authority will then take If no payment is received the Licensing Authority will take measures to suspend the licence if payment is not received within 28 days.
 - 23.13 Following the action to suspend the licence income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment is received or licence surrendered.

27 Responsibility of Licence Holders and Designated Premises Supervisors (DPS)

- 25.10 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should the DPS cease to work/be employed by the premises the Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority
- 25.11 Every premises licence that authorises the sale of alcohol must specify a designated premises supervisor (DPS). This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. The DPS to be a person with day to day managerial control of the premises who will take reasonable steps to ensure the licensing objectives are promoted and licence conditions are adhered to.
- 25.12 Though there is no requirement for a designated premises supervisor (DPS) to be on the premises at all times that alcohol is being sold, the Licensing Authority expects where they are likely to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, that a new DPS to be appointed to cover the period of absence. If there are concerns that a DPS is repeatedly absent, the Police may apply for a review of the Premises Licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.
- 25.13 Where the DPS is not present at the premises the Licensing Authority, following guidance by the Secretary of State, recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. The letter of authorisation should state the following:-
 - the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;

- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

It should be noted that the responsibility remains with the Premises Licence Holder and the Designated Premises Supervisor.

28 Prohibtion signs

- 27.1 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.
- 27.2 The Licensing Authority is especially concerned that such practices adversely affect social cohesion and are likely to hinder the promotion of the licensing objective relating to law and order. The Licensing Authority will also refer such practices to other authorities, where appropriate.

29 Promotion of Racial Equality

- 27.3 Legislation requires the local authority to have due regard to the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority expects all licence applications to be consistent with this duty.
- 27.4 The Council as an organisation has a race equality scheme and monitoring licensing forms a part of that overall scheme.

30 Duplication

30.1 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.

31 Administration, Exercise and Delegation of Functions

- 31.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 31.2 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.

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

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		Police objection including unspent convictions	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation s are made
Application for provisional statement		If a relevant representation made	If no relevant representation s are made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation s are made
Application to vary designated premises supervisor		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection	All other cases
Application for interim authorities		If police objection	All other
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc;			All cases
Decision to object when local authority is consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Decision on whether a minor variation application is valid, the need to go out to consultation and determination. Determination of minor			All cases
variation application			All Cases
Determination of application to vary premises licence at community premises to include alternative licence condition	lf a objection	police	All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual			All cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All cases
Power to impose existing conditions on a premises licence, club premises certificate and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003.			All cases
Power to make representations as responsible authority			All cases

31.4 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.

- 31.5 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.
- 31.6 The officers to exercise the discretion are officers who are responsible for the Licensing function *and* who are given the appropriate written delegated authority.
- 31.7 Application forms, fees, and details regarding each type of application, including the minor variations process can be obtained from the Councils website or by contacting the Licensing and Safety Team on 0207 364 5008 or Licensing@towerhamlets.gov.uk.
- 31.8 The Licensing Authority encourages informal discussion before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals.

Appendix 1: (Please note this is subject to updates where below contact details change, and will be updated regularly as needed)

List of Responsible Authorities

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

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

Metropolitan Police Service Licensing Unit Toby Club Vawdrey Close London E1 4UA

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

(b) **The Fire and Rescue Emergency Planning Authority** for any in which the premises are situated –

London Fire Brigade and Emergency Planning Authority

Fire Safety Regulation NE 2 Area London Fire Brigade 169 Union Street London SE1 OLL

Tel: 020 8555 1200

Email: FSRNorth@london-fire.gov.uk

- (c) The enforcing Authority within the meaning given by Section 18 of the Health and Safety at work etc. Act 1974 and the local Weights and Measures Authority (within the meaning for section 69 of the Weights and Measures Act 1985) for any area in which the premises are situated –
- i.) Licensing and Safety Team
 London Borough of Tower Hamlets
 Environment Health and Trading Standards

John Onslow House 1 Ewart Place London E3 5EQ

Tel: 020 7364 5008

Email: Healthand.Safety@towerhamlets.gov.uk

OR

ii.) Health and Safety ExecutiveRose Court2 Southwark Bridge

2 Southwark Bridge London SE1 9HS

Fax: 020 7556 2201

OR

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

Tel: 0168 9890400

AND

iv.) Local Weights and Measures Authority

Trading Standards
Administration Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel: 020 7364 5008

Email: Trading. Standards@towerhamlets.gov.uk

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

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

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

Tel: 020 7364 5009

Email: <u>Planning@towerhamlets.gov.uk</u>

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

Environmental Protection

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

Tel: 020 7364 5007

Email: Environmental.Health@towerhamlets.gov.uk

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

Child Protection

Multi Agency Safeguarding Hub (MASH) 4th Floor Mulberry Place 5 Clove Crescent London E14 2BG

Tel: 020 7364 3444

Email: mash@towerhamlets.gov.uk

(g) Public Health

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

Tel: 020 7364 7014

Email: <u>Somen.banerjee@towerhamlets.gov.uk</u>

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

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

Email: <u>Alcohol@homeoffice.gsi.gov.uk</u>

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 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

Tel: 020 8555

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

*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 Baneriee

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 Made under the Licensing Act 2003 and associated Orders

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

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

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise):
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

where —

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

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

For "OFF SALES ONLY" Add the following conds...

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or

- (b) an ultraviolet feature.
- 5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

where —

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

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

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

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

From 6th April 2010

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

period of 24 hours or less;

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

In addition From 10th October 2010:

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

Appendix 3:

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

Conditions relating to the prevention of crime and Disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

General

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

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

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

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

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the license 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 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 quard 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 license 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 source5 when tested in accordance with section 5 of BS 5852:1990:
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing Authority/fire authority.

Accommodation limits

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

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

Fire action notices

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

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

Outbreaks of fire

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

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

Loss of water

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

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

Access for emergency vehicles

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

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

First aid

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

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

Lighting

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

to conditions that ensure that:

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

Temporary electrical installations

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

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

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

Indoor sports entertainments

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

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

Alterations to the premises

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

Special effects

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

Specials effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;

- firearms;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

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

Annex F

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

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided.

The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

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

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

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in

accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

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

Standing and sitting in gangways etc.

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

Drinks

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

Balcony Fronts

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

Special effects

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

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;

- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

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

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

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

Ceilings

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

Seating

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

Premises used for film exhibitions

Attendants – premises without a staff alerting system

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

- Between 1-250 members of the audience present on a floor 2 attendants must be present on that floor.
- And one additional attendant for each additional 250 members of the audience present (or part thereof)

 Where there are more than 150 members of an audience in any auditorium or on any floor at least one attendant shall be present in any auditorium or on any floor.

Attendants - premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out below:
 - Between 1 500 members of the audience present on the premised 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 premised
 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 premised 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;
 - (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 f 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 3:

Licensing Contact Details

A printed version of the policy can be obtained from:

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

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

Telephone: 020 7364 5008

Email: <u>licensing@towerhamlets.gov.uk</u>

It is also available for inspection at the above office.

Appendix 4:

London Borough of Tower Hamlets

Tower Hamlets Council

Sex Establishment Licensing Policy

Introduction

This policy sets out Tower Hamlets Council's proposed approach to regulating sex establishments and the procedure that it will adopt in relation to applications for sex establishment licences.

The policy of the Council is to refuse applications for sexual entertainment venues. This policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances. Such circumstances will not be taken to include the quality of the management, its compliance with licence conditions, the size of the premises or its operating hours.

The policy is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.

When the decision making powers of the Council are engaged each application will be dealt with on its own merits but this policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of what is expected of them should an application be made.

The legal controls for sex establishment premises are contained in the Local Governmental (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

There are 3 types of sex establishments which fall into the licensing regime:-

Sex shops

Sex cinemas

Sexual entertainment venues

The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

Policy Rationale

The policy has been developed that sets out how the legislation will be administered and applied. The policy identifies how the Council would exercise the licensing regime in relation to sexual entertainment venues.

The policy has been developed to reflect and complement existing Council plans and strategic approach, namely:-

- Tower Hamlets Community Plan.
- Tower Hamlets Crime & Drug Reduction Partnership Plan.
- Tower Hamlets Enforcement Policy.
- Tower Hamlets Core Strategy.
- Tower Hamlets Town Centre Spatial Strategy.
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003).
- Tower Hamlets Statement of Licensing Policy (Gambling Act 2005).

The policy has also been prepared with regard to:

- Consultation responses
- Human Rights Act 1998
- Equalities Act 2010

The policy seeks to contribute to the "One Tower Hamlets" principle by fostering community cohesion, reducing inequalities and empowering communities.

The public consultation that was undertaken concerning the adoption of a nil policy did not have overwhelming support. Therefore careful consideration has been given to the policy response, given the balance that the consultation returns did not give overwhelming support.

Policy Considerations Existing

Licensed Premises

The Council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years.

There are no licensed sex shops in Tower Hamlets.

The businesses that hold premises licences under the Licensing Act 2003 with permissions that will be affected by the adoption of the sexual entertainment venue licensing regime are as follows:-

NAME	ADDRESS
THE BEEHIVE	104-106 Empson Street, London, E3 3LT
EONE CLUB	168 Mile End Road, London, E1 4LJ
NAGS HEAD PUBLIC	
HOUSE	17-19 Whitechapel Road, London, E1 1DU
THE PLEASURE LOUNGE	234 Cambridge Heath Road, London, E2 9NN
WHITE SWAN	556 Commercial Road, London, E14 7JD
ASTON'S CHAMPAGNE	
AND WINE BAR	
BASEMENT & 1ST FLOOR	187 Marsh Wall, London, E14 9SH
CLUB PAISA	28 Hancock Road, London, E3 3DA
OOPS	30 Alie Street, London, E1 8DA
WHITE'S GENTLEMANS	
CLUB	32-38 Leman Street, London, E1 8EW
SECRETS	43-45 East Smithfield,London,E1W 1AP
IMAGES	483 Hackney Road, London, E2 9ED

Tower Hamlets Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1st June 2014 so that it can:

- set a limit on the number of sexual entertainment venues
- determine premises that are appropriate for the borough and
- licence sexual entertainment venues

Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity.

Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence and applicants are advised to contact the Licensing Team for advice.

Limits on the number of licensed premises

The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The Council intends to adopt a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the standard conditions for sex establishments

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.

Location of premises

The Council's policy is that there is 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.

As previously stated in the policy the Council will treat each application on its own merits however applicants should be aware that the Council will take into consideration the location of the proposed premises and its proximity to:

- residential accommodation,
- schools,
- premises used by children and vulnerable persons
- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

Impact

In considering applications for the grant of new or variation applications the Council will assess the likelihood of a grant causing impacts, particularly on the local community.

The Council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience
- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant

- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Council will take into account

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, Council officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

In considering applications for transfer the Council will take into account:

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police

 the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

Applicants

Where appropriate the Council expects applicants to:

- demonstrate that they are qualified by experience
- have an understanding of general conditions
- propose a management structure which will deliver compliance
- with operating conditions for example through
- Management competence
- Presence
- Credible management structure
- enforcement of rules internally training & monitoring
- a viable business plan covering door staff, CCTV
- policies for welfare of performers
- demonstrate that they can be relied upon to act in best interests of performers
 through remuneration, facilities, protection, physical and psychological welfare
- have a transparent charging scheme with freedom from solicitation
- a track record of management compliant premises or employ individuals with such a track record

New applicants may be invited for interview by the Licensing Officer and /or Police Officer prior to the application being referred to the Licensing Committee for determination.

Applications from anyone who intends to manage the premises on behalf of third party will be refused.

Premises appearance and layout

The Council expects premises to:-

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images
 which may be construed as offensive to public decency

- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

Conditions

The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

Specifically, standard conditions could include measures which are found in the appendix of this policy.

The Application Process

Making a new, renewal, transfer or variation application

The Act requires the Council to refuse all application if the applicant:

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or
- Is not resident in the UK, or has not been a UK resident for the last 6months
 or
- Has been refused an application in the last 12 months or
- Is a corporate body which in not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the Council's website (www.towerhamlets .gov.uk)
- from the Licensing Team on 020 7364 5008
- by email to licensing@towerhamlets .gov.uk

The Council prefers to receive electronic applications and offers a choice off payment options the details of which are contained in the application pack.

The Council expects the premises to have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a new licence.

In order for the application to be valid the applicant must:

- Submit the completed application form
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises(new applications only)
- Submit a location plan (1;1250) showing the location of the premises(NB.
 plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager if applicant is a limited company(NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details.
 The notice must be in a prominent position so that it can be easily read by passers-by. A notice template will be provided with the application form.
- publish a notice on at least one occasion in a local newspaper, during the period of ten working days starting on the day the application was given Council. The advert can be any size or colour but must be readable.

Applicants who wish to advertise the application in another local newspaper are advised to contact the Licensing Team beforehand, to confirm that it is acceptable.

On receipt of a valid application the Council will consult:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors

For new and variation applications the Council will also consult:

- Development Control Team
- Local residents living within 50m of the premises

Authorised Officers from the Council, Fire Brigade and Police may choose to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activities.

The Council will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the Council.

Representations can either be submitted via

- Our website:www.towerhamlets.gov.uk
- Email to:<u>licensing@towerhamlets.gov.uk</u>
- Post to: Consumer and Business Regulations, Licensing Team, 6th Floor,
 Mulberry Place, 5 Clove Crescent, E14 2BG.

A person making a representation must clearly state their name, address, and the grounds for objecting to the application and indicate whether they consent to have their name and address revealed to the applicant. Copies of representations will be made available to the applicant 14 days before the committee hearing.

The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

The Council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the Council if there's sufficient reason to indicate that applicants will not be significantly prejudiced by the decision to allow a late objection to be considered. In making such a decision the Council will take into account:

- The length of the delay
- The amount of time that the applicant has to consider the representation before the hearing date
- If other representations have been received before the deadline

Determining an application

Applications with no representations will be approved under delegated authority to officers.

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.

All other contested applications will be referred to the Licensing Committee for determination. The applicant, anyone making a representation and the ward Councillors will be notified the date, time and venue of the hearing and invited to attend to address the committee in person.

Applications can take up to 14 weeks to be determined. If an application is likely to take longer than 14 weeks to determine the Council will notify the applicant in writing before this deadline. Applications for sex establishment licenses are exempt from the tacit consent provisions of the EU Services Directive on the grounds of public interest and the legitimate interests of third parties.

The applicant will be notified in writing about the outcome of their application within 5 working days of the decision being made.

Sex Establishment licences are usually issued for 12 months, but can be issued for a shorter period if deemed appropriate.

In order to continue operating as a sex establishment the licence holder must make a renewal application prior to the expiry of the existing licence.

Appeals

Any applicant who is aggrieved by a decision to refuse an application or by the imposition of any conditions can appeal to the Magistrates Court within21days of receiving the decision in writing.

Grounds for refusing an application

The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason.

That if the license were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a license if he made the application himself.

That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

That the grant or renewal of the license would be inappropriate, having regard:-

- a. to the character of the relevant locality
- b. to the use to which any premises in the vicinity are put; or
- c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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.

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'

Existing Operators

To allow time to comply with the new regime, existing operators, who, 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.

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.

"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 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.

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.

Appointed Days

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)

2nd Appointed Day

The day 6 months after the 1st appointed day (1st December 2014)

3rd Appointed Day

The day 6 months after the 2nd appointed day and the end of the transitional period (1st June 2015)

New Applications

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

Determining Applications Received On or Before the 2nd Appointed Day

Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

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 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.

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.

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.

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.

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.

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

Additional information and advice

Please contact:

Consumer and Business Regulations

Licensing Team

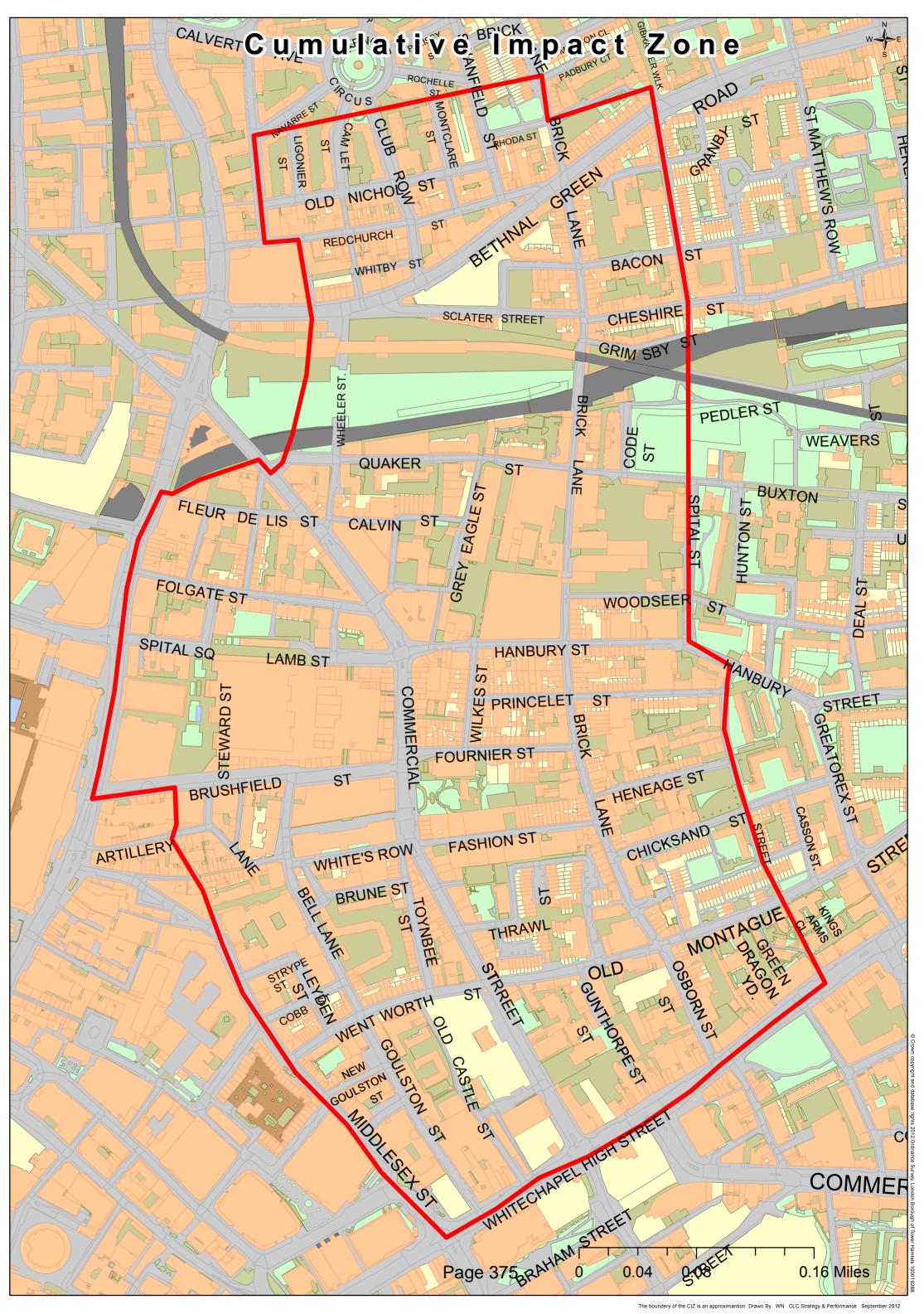
6th Floor,

Mulberry Place,

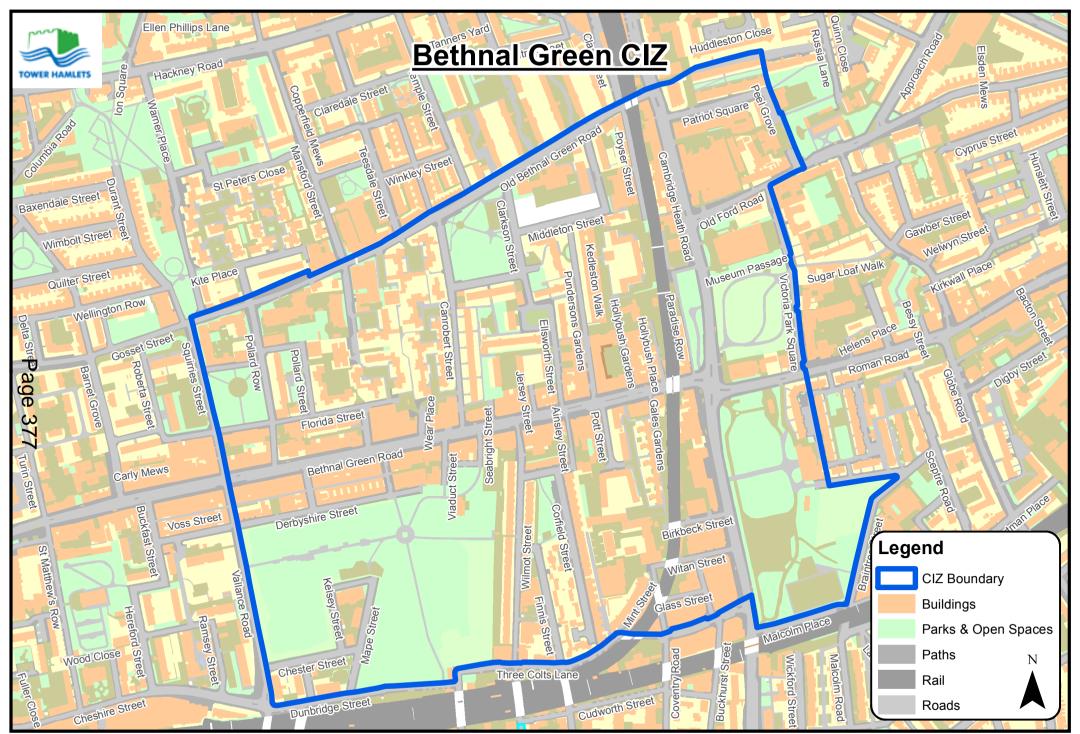
5 Clove Crescent, E14 2BG.

licensing@towerhamlets.gov.uk 020 7364 5008









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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)	Statement of Licensing Policy Review
Directorate / Service	Place, Public Realm, Environmental Health and Trading Standards
Lead Officer	David Tolley
Signed Off By	
Summary – to be completed at the end of completing the QA (using Appendix A) (Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage. Proceed with implementation Green:

Stage	Checklist Area / Question	No/	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		

Page 380	a	Are the outcomes of the proposals clear?	Yes	This report submits proposed changes to the Statement of Licensing Policy. The report asks Mayor in the Cabinet to agree: • 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 The Licensing Act 2003 requires all local authorities to review their existing Statement of Licensing Policy. 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 Statement of Licensing Policy was adopted by the full Council in October 2013. The policy aims to define how the responsibilities under the Act are going to be exercised and administered. A statutory consultation process took place between 12th January and 10th April 2018 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: • The prevention of crime and disorder • Public safety • The prevention 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?	res	The key proposed changes have arisen from the consultation. These are likely to affect businesses, customers and local residents. The proposed changes to the Statement include:

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			 Retain the Brick Lane Cumulative Impact Policy Create a Bethnal Green Cumulative Impact Policy Develop conditions on street furniture/ flyposting Identify and condition 'match day' pubs. Not to adopt the Late Night Refreshment deregulations The following are relevant issues that have been raised in the 	
			consultation process and will need to be determined by Members:	
С	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	If the policies stated above are adopted, the following impact might be made. Further evidence/research might be required to establish the impact of the policy:	
2	Monitoring / Collecting Evidence / Data and C		nsultation	
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	The responses from the consultation (written and online) held between 12th January and 10th April 2018 provide respondents' views on the policy and some insight on the current problems.	
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	The extensive consultation process was held between 12th January and 10th April 2018. (Appendix One shows a list of groups consulted). Comments arising from the consultation have been incorporated in the proposal.	
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	The service consulted various organisations, including residents/community groups, youth clubs, and advocacy groups to participate in the consultation. Other professional organisations including the Licensing team, responsible authorities (e.g. MET, Fire authority, health and safety authority, planning authority) informed the policy.	

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		Is there clear evidence of consultation with	Yes	The online consultation was also made available on the Council website. Yes. See Appendix 1: List of groups/organisations consulted.	
	С	stakeholders and users from groups affected by the proposal?			
	3	Assessing Impact and Analysis			
	а	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 data do not distinguish the nine protected characteristics. However, the impact on businesses of the policy and residents' concern with alcohol are shown in the data.	
D200 383		Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	If this policy was endorsed by consultation and adopted, some businesses would have impact from the policy. From the consultation data and the analysis above, residents may have positive impact from the policy adoption through the prevention of crime and disorder.	
	b	Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?	Yes	The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003: The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm. 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.	
	4	Mitigation and Improvement Action Plan			
	а	Is there an agreed action plan?	NA	No action plan is included in the policy.	

b	Are all actions SMART (Specific, Measurable,	NA	No action plan is included in the policy.
	Achievable, Relevant and Time Bounded)		
С	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		
а	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The policy has been 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. The policy review will be conducted via consultation.
7			
а	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		
а	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	

Appendix A

(Sample) Equality Assessment Criteria

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

Agenda Item 6.9

Cabinet 25 July 2018 TOWER HAMLETS Classification: Unrestricted

Medium Term Financial Strategy Refresh & 2019-20 Budget Planning

Lead Member	Councillor Ronald, Cabinet Member for Resources and the Voluntary Sector.	
Originating Officer(s)	Neville Murton (Divisional Director, Finance,	
	Procurement and Audit)	
Wards affected	All	
Key Decision?	No	
Community Plan Theme	A transformed council, making best use of resources	
	and with an outward looking culture	

Executive Summary

In February 2018 the Council agreed its budget for 2018-19 and set out a Medium Term Financial Strategy (MTFS) covering the period 2018-2021. This included savings over and above those already approved of £10.788m to be delivered over the MTFS period thereby setting a balanced budget for 3 years with a requirement of £6.102m from general fund reserves. The Council's Capital Programme was also reviewed and updated taking into account the current programme and decisions made during the year; it identified a number of new schemes and began the process of delivering an 10 year capital programme by extending the programme to 2027-28.

The Council continues to implement an Outcomes Based Budgeting approach in delivering its MTFS for the period 2018 to 2021. At the heart of its financial planning and decision making process, the Council aims to directly link financial resources to its Strategic Priority Outcomes and has mapped budgets in line with its desired outcomes for residents.

This report reminds the Cabinet of the key assumptions that underpin the current MTFS agreed in February 2018, highlights any new developments and government announcements since then; and sets out the next steps necessary to update the MTFS by extending it to 2021-22 and finalise and agree a budget and Council tax for 2019-20. As in previous years this will also include proposals relating to the Council's Housing Revenue Account (HRA) including rent setting considerations and the Dedicated Schools Budget (DSB) strategy.

Recommendations:

The Mayor in Cabinet is recommended to:

- Note the Council's Outcomes Based Budgeting approach to prioritising resources over the MTFS from 2019-20 to 2021-22.
- 2. Note the challenges and actions set out in this report that will inform the development of the Council's MTFS for 2019-2022;
- 3. Note the timescales and next steps for reviewing and consulting on budget proposals;

1. REASONS FOR THE DECISIONS

- 1.1. The Council is under a duty to set a balanced and sustainable budget and maintain adequate reserves such that it can deliver its statutory responsibilities and priorities.
- 1.2. A Medium Term Financial Strategy (MTFS) covering the entirety of the resources available to the Council is considered to be the best way that resource prioritisation and allocation decisions can be considered and agreed in a way that provides a stable and considered approach to service delivery and takes into account relevant risks and uncertainty.

2. ALTERNATIVE OPTIONS

- 2.1. Whilst the Council will adopt a number of approaches to the identification of measures aimed at delivering its MTFS there is no alternative other than to set a legal and balanced budget and agree its Council Tax before the statutory deadline.
- 2.2. The Council could return to the approach of agreeing proposals on an annual basis but this does not support a strategic approach which allows for proposals to be managed and implemented over a longer period of time leading to evidenced based policy decisions and better overall outcomes.

3. DETAILS OF REPORT

3.1. Background

3.1.1. The medium term financial planning process is an essential part of the Council's resource allocation and strategic service planning framework. The Medium Term Financial Strategy (MTFS) integrates strategic and financial planning over a three year period. It translates the Strategic Plan priorities into a financial framework that enables the Mayor and officers to ensure policy initiatives can be delivered within available resources, and can be aligned to priority outcomes.

- 3.1.2. The drivers for the Council's financial strategy are:
 - To set a balanced budget over the life of the MTFS whilst protecting residents from excessive Council Tax increases.
 - To fund priorities agreed within the Strategic Plan, ensuring that service and financial planning delivers these priorities.
 - To deliver a programme of planned reviews and savings initiatives designed to keep reductions to service outcomes for residents to a minimum.
 - To maintain and strengthen the Council's financial position so that it has sufficient reserves and balances to address any future risks and unforeseen events without jeopardising key services.
 - Ensuring the Council maximises the impact of its spending to deliver priority outcomes.
- 3.1.3. Since 2011-12 in the face of unprecedented reductions in Government funding and increasing demand on services, the need to make savings has dominated the Council's financial planning process.
- 3.1.4. In February 2018 the Council agreed a balanced budget for 2018-19 and a Medium Term Financial Plan (MTFP) to 2020-21 identifying further savings of £10.788m to be delivered over the medium term period and a requirement to use £6.102m of general fund reserves.
- 3.1.5. This report begins to explore the challenges facing the Council in the context of a number of fundamental changes to the financial environment in which Local Authorities operate. In particular it outlines a process that will deliver a balanced budget position over the course of the MTFS period; and gives a commitment to keep members informed throughout the process leading up to the approval of the budget and MTFS including in particular the results of public consultation exercises and the views of the Overview and Scrutiny Committee.

3.2. Strategic Approach

- 3.2.1. The Council has a well-embedded approach to strategic and resource planning. The 2018-19 Strategic Plan has been developed using the Outcome Based Accountability (OBA) Framework to enable us to better understand the impact our activities are having and linked to this the resources being utilised to deliver the activities
- 3.2.2. The Strategic Plan focuses on the three priorities set out below
 - Priority 1 People are aspirational, independent and have equal access to opportunities
 - Priority 2 A borough that our residents are proud of and love to live in

Priority 3 - A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough

The Council aims to deliver its priority outcomes by designing and delivering services that meet the following objectives:

- 1.1 People access a range of education, training, and employment opportunities
- 1.2 Children and young people are protected so they can realise their potential
- 1.3 People access joined-up services when they need them and feel healthier and more independent
- 1.4 Inequality is reduced and people feel that they fairly share the benefits from growth
- 2.1 People live in a borough that is clean and green
- 2.2 People live in good quality and affordable homes and well-designed neighbourhoods
- 2.3 People feel safer in their neighbourhoods and anti-social behaviour is tackled
- 2.4 People feel they are part of a cohesive and vibrant community
- 3.1 The Council is open and transparent putting residents at the heart of everything we do
- 3.2 The Council works collaboratively across boundaries in strong and effective partnerships to achieve the best outcomes for residents
- 3.3 The Council continuously seeks innovation and strives for excellence to embed a culture of sustainable improvement

3.3. Outcome Based Budgeting

- 3.3.1. Outcome Based Budgeting (OBB) aims to directly link how resources are allocated by having our budget mapped to the strategic priorities of the Council.
- 3.3.2. The Council's Medium Term Financial Strategy (MTFS) 2018-2021 has been prepared using these OBB principles and ensures that the Council is delivering the Council's priority outcomes, as set out in the Strategic Plan, while making savings through planned budget reductions rather than cutting costs on a service by service basis.
- 3.3.3. We intend to continue with this approach going forward and challenge sessions involving senior officers and lead Cabinet Members are planned for July to November which will;
 - Review the current MTFS savings and growth proposals, including mayoral priority investment items;
 - Extend the MTFP to 2021-22; identifying the gap arising from recent funding announcements and the options for eliminating any shortfall in funding;

- Review and challenge the Current Capital programme; governance arrangements, capital resource prioritisation, financing approaches and agree new programmes and projects for inclusion in the capital programme;
- Consider the impact of the Fair Funding Review on the Council's resources which is due to be implemented in 2020; an initial review of the proposed changes indicate London could be significantly disadvantaged.
- Consider in the light of any proposed continuation of the London Business Rates pilot; whether its potential benefit of boosting Business rates income; and access to the strategic investment pot justifies the Council's continued comittment to a pooled arrangement
- Include development of an income generation strategy using powers to trade under localism act and taking account of best practice and innovative approaches in this area.

3.4. Current Assumptions and Future Outlook

Overview

- 3.4.1. The currently approved MTFP assumes that the Council's net general fund budget will reduce from £343.730m in 2018-19 to £329.422m by 2020-21.
- 3.4.2. This includes £6.704m base budget growth, principally to cover demographic pressures, and £15.097m of one off growth funded from reserves to deliver specific mayoral priorities that are aligned to the Councils strategic priorities.
- 3.4.3. The Council has already approved the delivery of specific savings of £18.3m in 2018-19 and is also progressing projects to deliver a further £14.7m in 2019-20. Proposals for £9.030m of savings have also been agreed for 2020-21 and detailed business cases now need to be developed to support the delivery of these projects.
- 3.4.4. Budget review sessions are being arranged to take place from July to September to allow members to review growth and savings performance and consider future changes in these areas, particularly with in relation to the balance between one off and base budget growth as well as the need for new savings or the re-profiling of existing savings in the light of implementation experience.
- 3.4.5. The current MTFP assumes that approximately £6.102m will be required from the Council's general fund non earmarked reserves to ensure a balanced budget over the period. By the end of the MTFS period general balances are estimated to be at £26m which is considered to provide an adequate level of protection against unforeseen risks.

Government Funding

- 3.4.6. The current guaranteed funding settlement to 2020 indicates that Government grant in the form of Revenue Support Grant (RSG) will continue to diminish, decreasing from around £54m in 2017-18 to around £33m in 2019-20 when the 4 year settlement ends.
- 3.4.7. Beyond 2019-20 the future of government funding will change as a result of the fair funding review and the government's stated intention to extend the business rate retention scheme nationally, details of which are considered below. However a continued reduction in resources seems likely.
- 3.4.8. This will mean that the Council will need to continue to generate additional income or deliver further savings in order to achieve a balanced budget and continue to deliver an expected increase in service needs going forward.

Business Rates Income and the London Business Rates Pooling Pilot 2019-20

- 3.4.9. An increasing proportion of the Councils General fund services are funded through locally generated income from retained Business Rates and the Council Tax.
- 3.4.10. Business Rates income is expected to increase from £131m in 2017-18 to around £140m by 2020-21 irrespective of changes to the business rate retention scheme including the London businesss rate pilot.
- 3.4.11. The Government formally confirmed its agreement to establishing a 100% business rate retention pilot in London from April 2018 in the Autumn 2017 Budget. This was supported by a memorandum of understanding (MOU) signed by the Chair of London Councils, the Mayor of London, the Minister for London and the Secretary of State for Communities and Local Government.
- 3.4.12. The Council agreed to participate in the Pool during 2018-19 and as a consequence an estimated additional income of £8m was included in the current MTFS for 2018-19 only to support one off mayoral priority growth initiatives over the MTFS period.
- 3.4.13. The future of this Pooling arrangement into 2019-20 is currently unknown although further information is expected from the government in the next few weeks.
- 3.4.14. Should there be an option to continue with the pooling arrangements during 2019-20, the Council will need to consider the financial implications of this and decide whether it should continue to participate alongside other London boroughs and the GLA.
- 3.4.15. Beyond 2019-20 the government is considering plans for resetting the business rates base, used to distribute business rate resources alongside the fair funding review of needs based distribution formulae. The revaluation of business rates in 2021 and centralisation of the appeals process are also relevant considerations relating to the overall level of resources to be generated from that funding source.

3.4.16. Little information has been published to date on how these changes will be implemented and further consultation is expected in the coming months. However, these changes are likely to have a significant impact on Council resources given the prominence of business rate properties in the borough.

Council Tax

- 3.4.17. Council Tax will also continue to be an important source of revenue for the Council. As part of the 2017 local government finance settlement, the government announced changes to the Adult Social Care precept. Local authorities could levy the ASC precept by an amount up to 3% per annum from 2017-18. However, authorities are only permitted to go ahead with a maximum of 3% increase each year and also provided that the total increase over the three-year period to 2020 does not exceed 6%.
- 3.4.18. In the context of the need for savings being front loaded and the significant cost pressures being seen in ASC services, the Council considered it appropriate to phase the ASC precept over the period from 2017 to 2020 on the basis of increases of 3%, 2%, and 1% respectively. This was agreed in principle and there appears to be no financial reason to vary this assumption at this stage.
- 3.4.19. Government controls over the level of Council tax increases for that element not covered by the ASC precept, are currently set at 'no more than 3%' meaning any proposals to increases Council Tax levels beyond that level would require a binding referendum to be held.
- 3.4.20. No increase beyond that of the ASC precept have been planned over the MTFS period although it has been anticipated that the council tax base could rise by up to 3% from the creation of additional properties. This assumption will need to be reviewed and the MTFS updated accordingly.

Improved Better Care Fund

- 3.4.21. As part of the government's 2015 Spending review, an initial tranche of the Improved Better Care Fund was allocated; with another subsequent tranche announced in the Chancellors 2017 Spring Budget. These amounts have been included in the current MTFS assumptions as follows: £11.9m for 2018-19 and £14.9m for 2019-20.
- 3.4.22. This funding has, as required, been utilised to support continued investment in adult social care. The future of this funding source and any impact on it from the Funding review is not knon; in particular whether these resources will be rolled in to any business rate retention scheme alongside other existing grants is still subject to uncertainty.

Ofsted Improvement Plan

3.4.23. Following the outcome of the Ofsted Report published in April 2017, the Council has committed to providing additional investment funded via

Transformation Reserve to support the implementation of the improvement plan. The estimated cost of the improvement plan over 2 years is expected to be £4.2m and progress against the investment and improvements from it will continue to be reported to Members as part of the Council's normal budget management reporting mechanisms.

In addition to this transitional resource, additional resources of £5.2m have been identified and included as part of the 2018-2021 MTFS to address pressures in a range of areas, most of which feature in the improvement plan

Fair Funding Review

- 3.4.24. The government has committed to reforming the way local authorities are funded through a new fair funding review and has set out its intention to introduce the new funding formula from 2020-21.
- 3.4.25. The Fair Funding Review will:
 - Set new baseline funding allocations for local authorities
 - deliver an up-to-date assessment of the relative needs of local authorities
 - examine the relative resources of local authorities
 - focus initially on the services currently funded through the local government finance settlement; and
 - be developed through close collaboration with local government to seek views on the right approach.
- 3.4.26. A number of detailed consultations have started to take place and these will continue over the next 12 months with decisions made by government within a short period of time to agree the way forward.
- 3.4.27. The first of these consultations was published by the MHCLG on the 19th December 2017. This was a technical consultation and focussed specifically on potential approaches that have been identified to measure the relative needs of local authorities.
- 3.4.28. The consultation closed on 12 March 2018 and feedback indicates;
 - Broad support for a having a single foundation formula that determines the overall funding allocation and maintaining a smaller number of service specific formulas
 - Mixed views regarding the continued use of the key cost drivers; population, deprivation and rurality
- 3.4.29. Changes in population, levels of deprivation and approaches to reflecting area cost differences are significant factors in Tower Hamlets and how they are used in the new formula could have a material impact on Council funding under the new arrangements.

3.4.30. The large number of changes to different but inter-linked parts of the MTFS mean that assumptions made for 2020-21 and beyond are likely to be considerably different to the final settlement numbers.

3.5. Income Strategy

- 3.5.1. The Council has had to deliver average savings of approximately £15m per year and current assumptions are that savings of this magnitude will continue to be required to ensure services are protected and a balanced budget can be achieved going forward.
- 3.5.2. While the savings challenge has generally been delivered through generating additional income and reducing cost/spend, to date the latter appears to have made a greater contribution than the former.
- 3.5.3. With greater powers to charge for services and the continued budget gap, the Council will need to take a more strategic approach to income generation and to help with that we will need to develop a more comprehensive income strategy.
- 3.5.4. Work is being undertaken to review opportunities across all Council services, using learning from work done by the Association of Public Excellence (APSE) on income generation as well as what other local authorities have done and to develop a tailored income stratergy for the Council.

3.6. Refresh of the MTFS to 2021-22

- 3.6.1. Growth and inflation requirements for 2018-19 to 2020-21 will need to be reviewed to establish evidence based service growth requirements. Any additional growth will require compensatory savings to be identified in the relevant year.
- 3.6.2. Assumptions for Council Tax base growth is 3%; there will need to be some consideration on amounts to be raised for supporting increased pressures in adult social care.
- 3.6.3. Business rates will need to be reviewed in light of the deficit balance on the Collection Fund brought forward from 2017-18 and in light of any decisions around pooling arrangements.

3.7. Next Steps

- 3.7.1. A further report will be brought to the September Cabinet which will provide a detailed modelling and sensitivities of the financial planning assumptions underpinning the current MTFS. The outcome of this will be a confirmation of the estimated funding gaps over the period to 2022 and in the individual years'.
- 3.7.2. In the September report, Members will also be presented with updated information relating to our assumptions for Council tax and Business Rates and any impact those changes have on the MTFS and the latest position in respect of the developing proposals for business rate reform.

3.7.3. The report will also bring forward a number of proposed savings and investment proposals, covering in full the medium term planning period to 2022 alongside a strategy that fully meets the identified funding gap and with the intention of initiating formal consultation with stakeholders.

3.8. Budget Development and Scrutiny

3.8.1. The draft timetable for the budget setting process is as follows:

Activity	
MTFS Report – Budget Gap and proposals to close; Income generation strategies; Fair Funding review update post consultation	September – November 2018
Future of Business rates pool and Impact on the MTFS Agree Proposals in advance of Budget Consultation	31st October Cabinet
Review of the Existing MTFP in light of the settlement; Capital Strategy & programme (OBB) and additional One year 2021/22 identification of potential gap and options to close the gap	9 th and 30 th January Cabinet
Agree Final budget and setting of the Council Tax	By 1 st March 2019 Full Council

Budget Scrutiny Process 2019-22

- 3.8.2. The Overview and Scrutiny Committee (OSC) is developing its capacity to meet the challenge of providing effective budget scrutiny, to the Council's three year budget proposals. The following sets out the role of overview and scrutiny in the budget preparation process. Some of these reflect the formal constitutional arrangements and others propose additional activity to strengthen the role of OSC in the development of rolling three year budgets.
- 3.8.3. In addition to the scrutiny of relevant revenue savings and investment proposals the Committee will undertake similar scrutiny of capital programme proposals. They will also have an overview of the Medium Term Financial proposals being considered for approval by the Board of Tower Hamlets Homes (THH), including proposals for rent setting, and the budget strategy for the Dedicated Schools Budget (DSB) which will be proposed for approval by the Cabinet, from the Schools Forum.

Scrutiny Activity

Activity	Date	Outcome
Future of Business rates pool and Impact on the MTFP	29th October 2018	Future of Business rates pool and Impact on the MTFP
Agree Proposals in advance of Budget Consultation		Review Proposals in advance of Budget Consultation
Budget and Policy Framework – Budget Scrutiny meeting	14th & 28th January 2019	Review final Cabinet budget proposals and provide comments for consideration by
	4th February 2019 (if there are any changes to budget following Cabinet on 30th Jan)	Cabinet and Full Council.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1. The report is primarily financial in nature and therefore all financial issues have been fully considered within the main body of the report.

5. LEGAL COMMENTS

- 5.1. Section 151 of the Local Government Act 1972 legally obliges the Council to "make arrangements for the proper administration of their financial affairs"
- 5.2. The report proposes consideration of a revised medium term financial plan which relates directly to the proper administration of the Council's financial affairs. The report is therefore compliant with the Council's legal obligations in this regard.
- 5.3. There are no other direct legal implications arising from this noting report. However, when making further decisions based upon the contents of this report the Council will need to ensure that it complies with its Best Value duty in accordance with section 3 of the Local Government Act 1999 and with its Equality Duty under section on 149 of the Equality Act 2010.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1. The development of a rolling three year Medium Term Financial Strategy will support the more effective delivery of One Tower Hamlets priorities.

7. BEST VALUE (BV) IMPLICATIONS

7.1. The Council is required to consider the value for money implications of its decisions and to secure best value in the provision of all its services. It is important that, in considering the budget, Members satisfy themselves that resources are allocated in accordance with priorities and that full value is achieved.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1. The sustainable action for a greener environment implications of individual proposals in the budget will be set out in the papers relating to those proposals.

9. RISK MANAGEMENT IMPLICATIONS

9.1. Managing financial risk is of critical importance to the Council and maintaining financial health is essential for sustaining and improving service performance. Setting a balanced and realistic budget is a key element in this process. Specific budget risks will be reported to Cabinet as the budget process develops.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1. The crime and disorder implications of individual proposals in the budget will be set out in the papers relating to those proposals.

11. SAFEGUARDING IMPLICATIONS

11.1. The safeguarding implications of individual proposals in the budget will be set out in the papers relating to those proposals.

Linked Reports, Appendices and Background Documents

Linked Report

None.

Appendices

None

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

None.

Officer contact details for documents:

Neville Murton – Divisional Director Finance Procurement and Audit



Agenda Item 6.10

Cabinet	
25 July 2018	TOWER HAMLETS
Report of: The Corporate Leadership Team	Classification: Unrestricted

Lead Member	Cllr Ronald, Cabinet Member for Resources and the
	Voluntary Sector
Originating	Kevin Miles, Chief Accountant

Revenue and Capital Monitoring 2018-19 Quarter 1 – June 2018

Voluntary Sector
Originating Kevin Miles, Chief Accountant
Officer(s)
Wards affected All Wards
Key Decision? No

Executive Summary

On the 21st of February 2018 the council considered and agreed the Revenue Budget and Council Tax for 2018-19; and a capital programme showing resources available for investment in assets and infrastructure for ten years until 2027-28. The Council also agreed the Housing Revenue Account (HRA) budget from 2018-19 which includes the rent setting and other charges.

The net budget requirement for 2018-19 has been set at 343.7m. The MTFP indicates a balanced budget for 2018-19, which includes delivering savings of £23.8 (£18.3m for 2018-19, and £5.5m slippage from previous years) and anticipates the Council will still need to deliver further annual savings of £13.2m and £9.0m in 2019-20 and 2020-21 respectively.

General Fund is projected to show an overspend £1.5m after the application of reserves and corporate contingency. The HRA is projecting an underspend of £0.2m.

There are ongoing significant pressures in Children's Services which could result in an overspend, much of which is attributable to social care.

The Place directorate is forecasting a overspend position. This is predominantly where budgeted savings are not being made. Other areas of potential overspend are the subject to the application of earmarked reserves.

Corporate costs and capital financing (including the corporate contingency) is projected to be £3.1m underspent which wholly represents the corporate contingency which is held to cover unforeseen costs.

Recommendations:

The Mayor in Cabinet is recommended to:

- 1. Note the Council's projected outturn position against General Fund, Dedicated Schools Budget and HRA budgets agreed for 2018-19, based on information as at the end of June as detailed in the Appendices.
- 2. Note the summary savings position.

In respect of the Housing Capital Pipeline Schemes (Section 6 in Appendix 1)

- 3. Approve the allocation of a capital budget of £131.4million for the period 2018 2024 to cover total project costs for schemes in Phase 2 of the Housing Capital Pipeline Programme, as set out in Appendix 1 Annex 4.
- 4. Authorise the Corporate Director (Place), after consultation with the Corporate Director (Governance), to agree to proceed to award contracts and enter into any agreements required to implement recommendation 3. if so required, subject to tenders being within the approved capital budgets and progress the Housing Capital Pipeline Programme.
- 5. Authorise the Corporate Director (Place) to submit bids for grant funding to funding bodies pursuant to any future national or regional grant or investment programme(s) for which the Phase 2 and 3 projects may be eligible if they conform to and support the Council's objectives and values.
- 6. Authorise the Corporate Director (Place) to commission viability work and detailed design and consultancy work to enable the submission of planning applications for the Phase 3 sites to be identified for the Pipeline Programme.
- 7. Approve a capital estimate of £1.5m to enable the implementation of recommendation 6.
- 8. Authorise the Corporate Director (Place) and the Corporate Director of Resources, in line with the Council's Contract Standing Orders, to incur any necessary pre-construction expenditure, including the appointment of consultants and expenditure on related fees and site enabling works, related to sites within the Phase 2 and 3 pipeline programme to facilitate the preparation of planning applications and Invitations to Tender.
- 9. Authorise the Corporate Director (Place) to grant leases and Wayleave Agreements to statutory service providers in connection with the Phase 2 and 3 sites on behalf of the Council in its capacity as landowner and where required, to remove any third party rights of way in accordance with the statutory process.

In respect of the new capital scheme proposals (Sections 5 & 7 in Appendix 1)

- 10. Approve the proposed schemes set out in Annex 1 and the feasibility studies set out in Annex 2 of the attached budget monitoring report.
- 11. Adopt Capital Budgets of £3.1m and £1.0m respectively for the "Community Hubs" and "Maximising Health Infrastructure: Island Medical Centre Projects as set out in Section 7 of the appended budget monitoring report.

ALTERNATIVE OPTIONS

- 1.1. The regular reporting of Revenue and Capital Budget Monitoring information through the year and the preparation of the provisional outturn position after the year end provides detailed financial information to members, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the management action being implemented to address the identified issues.
- 1.2. Further information across the Council's key financial activities is also included to ensure that CLT and Members have a full picture to inform their consideration of any financial decisions set out in this report and also their broader understanding of the Council's financial context when considering reports at the various Council Committees.
- 1.3. Set alongside relevant performance information it also informs decision making to ensure that Members' priorities are delivered within the agreed budget provision.
- 1.4. It is important that issues are addressed to remain within the approved budget provision or where they cannot be contained by individual service management action, alternative proposals are developed and solutions proposed which address the financial impact; CLT and Members have a key role in approving such actions as they represent changes to the budget originally set and approved by them.

2. REASONS FOR THE DECISIONS

- 2.1. The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by members and to manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Leadership Team (CLT) including approval of management action.
- 2.2. To the extent that there are options for managing the issues identified these are highlighted in the report in order to ensure that members have a full picture of the issues and proposed solutions as part of their decision making.

3. DETAILS OF REPORT

3.1. General Fund Revenue Budget Position 2018-19

- The current general fund revenue budget is £343.7m approved by the Council in February as part of the Medium Term Financial Plan (MTFP) for the period 2018 2021..
- The General Fund forecast outturn for Quarter 1 is currently showing an overspend of £1.7m after the application of approved growth and reserves. The forecast position for the Housing Revenue Account (HRA) is a surplus of £0.2m.
- Full Directorate summaries can be found in the attached detailed budget management report.

4. CHIEF FINANCE OFFICER COMMENTS

4.1. The attached report is primarily financial in nature and the financial implications of the issues raised have been included in the main report.

5. LEGAL COMMENTS

- 5.1 The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's chief finance officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control. It is consistent with these arrangements for the Cabinet to receive information about the revenue and capital budgets as set out in this report.
- 5.2. The report also requests the allocation of various sources of funds and the delegation of the authority to spend those funds. The Council has the legal powers to carry out the various items of work both for the provision of housing and for the improvement of facilities (such as the health facility) in the Borough.
- 5.3. The Council as the duty to achieve Best Value in terms of economy efficiency and effectiveness in the delivery of its services and the expenditure of its resources. The report details that the expenditure of the money will be based upon competitive exercises performed either individually or through the use of pre-existing framework agreements. The methodology of the particular framework to be used will need to be checked by Legal Services in order to ensure that the use of the particular framework satisfies the Council's European Law obligations, but ostensibly the award of contracts under a competitive procedure will demonstrate Best Value.
- 5.4. It is anticipated that the contracts resulting from the competitive exercises will include appropriate clauses to allow the Council to monitor the delivery of the

- contracts. This will allow the Council to ensure the quality of the Works and Services meets the tendered level and also safe guard Best Value.
- 5.5. It is clear that some of the schemes are likely to have an impact on people who have a protected characteristic for the purposes of the Equality Act 2010. Therefore, the Council will have to perform equality assessments in respect of each scheme whilst the decision making process as regards the detail of each scheme is still at a formative stage. It is likely in part at least, that it will be necessary for the Council to carry out consultation exercises in order to properly understand the impact of the schemes on persons with a protected characteristic and thereby to comply with the Council's Equality Act duties

6. ONE TOWER HAMLETS CONSIDERATIONS

6.2. The budget monitoring report assists in reviewing the financial performance of the Council. It ensures that financial resources are applied to deliver services meeting the needs of the diverse communities living in Tower Hamlets and supporting delivery of One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

7.2. The Council's achievement of the principles of Best Value are assessed annually as part of the final audit of the Council's financial statements by the Council's external auditors KPMG.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.2. There are no specific actions for a greener environment implications

9. RISK MANAGEMENT IMPLICATIONS

9.2. There is a risk to the integrity of the authority's finances if an imbalance occurs between resources and needs. This is mitigated by regular monitoring and, where appropriate, corrective action. This report provides a corporate overview to supplement more frequent monitoring that takes place at detailed level. The explanations provided by the Directorates for the budget variances also contain analyses of risk factors.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.2. There are no specific crime and disorder reduction implications.

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

Appendix 1 – Directorate Summary Report

Appendix 2 – Revenue Control Budget

Appendix 3 – Capital Control Budget

Appendix 4 – Savings Tracker Summary and Detail



Corporate Budget Monitoring Report Quarter 1 2018-19

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Circulated to	Cabinet
Date	25 th July 2018
Classification	Unrestricted
Report of	Corporate Leadership Team
Lead Member	Cllr Ronald, Cabinet Member for Resources
Originating Officer(s)	Kevin Miles, Chief Accountant
Wards affected	All Wards
Key Decision?	No

General Fund Outturn variance £1.5m overspend

DSG Outturn variance £3.0m overspend

Housing Revenue Account (HRA) £0.2m underspend

	2018/	19 Outturn Var	Outturn Variance 2018/19 Annual Figures Figures to 30 June 2018					
£m	Estimated impact on General Fund GF/ DSG/ HRA	Variance before reserve adjustments	Contribution (to) / from Reserves	Current Budget ⁽¹⁾	Forecast Outturn Position	Budget to Date	Actual	
Children's (GF)	4.0	4.0	-	107.2	111.2	26.8	23.8	
Resources	0.2	10.8	10.6	22.4	33.2	5.6	4.8	
HA&C	-	-	-	141.0	141.0	35.2	24.2	
Place	0.4	0.4	-	64.4	64.8	16.1	9.1	
Governance	-	-	-	13.1	13.1	3.3	4.3	
Corporate	(3.1)	(3.1)	-	(4.4)	(7.5)	(1.1)	1.7	
General Fund	1.5	12.1	10.6	343.7	355.8	85.9	67.9	
Ringfenced - Items								
Children's (DSG)	0	3.0	3.0	0.0	3.0	0.0	40.5	
HRA	0	(0.2)	(0.2)	(7. 4)	(7.6)	(1.8)	(33.0)	
Overall Position	1.5	14.9	13.4	336.3	351.2	84.1	75.4	

Conventions: The use of brackets denotes either an income budget or a positive variance (underspend)

Note 1: The current budget reflects the original budget approved by Members in February 2018 adjusted for any subsequent approved budget virements. The budget history is included as Appendix 1.

In February 2018 the Council approved a revenue budget of £343.7m which was to be financed by £338.5m of external funding sources such as Council tax, business rates and grants; the balance of £5.2m was to be met by way of drawdown from the Council's General Fund balance.

The current position is estimated to be a £1.5m overspent on the general fund after the application of £10.6m from the IT transformation reserve.

The HRA is currently projected to show a £0.2m surplus.

The MTFP outlined for 2018-19 approved savings of £18.3m in order to deliver a balanced budget. An additional £5.5m relating to slippage from previous years must also be achieved. In total therefore £23.8m of savings are to be delivered.

This Month: two sentences, five numbers

This is the first monitoring report Members have received for the 2018-19 financial year, initial forecasts show an overspend on the general fund of £1.5m. Approval is sought for the inclusion of a number of new capital schemes to deliver member priorities against approved budget provision.

- **£1.5m** Overspend on General Fund: after application of Transformation Reserve.
- **£23.8m** Savings: our total savings requirement for the current year taking into account slippage from earlier years'; we believe that £0.8m will slip into future years and that around £2m is at risk.
 - **£0.2m** Surplus: on the ring-fenced HRA.
- **£387m** Collectable income: from our share of Council Tax and NNDR.
- **£461m** Treasury Investments: a strategy for delivering additional income which was included in the budget proposals is well advanced.

Outturn variance £4m General fund overspend Outturn variance £3m DSG overspend

	Outturn Variance			Annual Fig	gures	Figures to 30	June 2018
£m	Estimated impact on General Fund (GF)	Variance before reserve adjustments	Contribution (to) / from Reserves	Current Budget (1)	Forecast Outturn Position	Budget to Date	Actual
Children's (GF)	4.0	4.0	-	107.2	111.2	26.8	23.8
Children's (DSG)	0	3.0	3.0	0.0	3.0	0.0	40.5

For Children's Services the General Fund is projected to be overspent by £4m.

Details of the significant variances on the General Fund are shown below; in addition to these there are a number of more minor variations both positive and negative which lead to the overall pressure in Children's Services.

The Dedicated Schools Budget (DSB) is also currently estimated to have pressures primarily from the costs of SEN funding.

(in numerical descending order)

£m

Variance commentary

Contract Services

The cost of the school meals service is not being covered by income received.

1.3 A separate briefing paper has been shared with the Lead Member and Mayor on the issues associated with the Council's contract services organisation. A combination of reducing demand for services as schools seek cost effective provision and an imbalance between the costs of meals produced and sold is causing pressures. Action is being initiated to manage cost pressures in this area as part of a wider piece of work on trading activities with our schools.

Commissioning of Looked After Children (LAC) **Placements**

Costs are reducing although an overspend remains this year.

0.9 In 2017-18 the LAC commissioning budget overspent by £1.6m; current projections indicate that this is forecast to fall to around £0.9m and is based on existing children remaining in their present placements for the remainder of the year. There will be a number of placement changes during the year as new placements are commissioned and the costs of existing placements changes are made; all of these changes are reviewed on a monthly basis to ensure that the forecast position is accurate. There has been a fall in the number of Looked After Children from 345 (June 2017) to current levels of 301.

Fieldwork Advice and Assessment

The additional costs associated with agency workers is having a significant impact.

0.9 Of the 39 posts in this area 31 posts are being covered by agency workers despite efforts to recruit permanent staff into the structure. The service is developing its plans for a new Social Work Academy which is intended, in the medium to long term, to assist in manging down the numbers of agency staff. Previous approaches to converting agency staff into permanent employees are also continuing.

Learning and **Achievement**

Costs of transporting children with SEN

0.7 Budget reductions were made in this area on the basis of implementing the recommendations of an external review of transport services. This has not happened and together with increasing cost pressures from fuel prices the budget is estimated to overspend.

Dedicated Schools Budget (DSB)

Funding for children with Special Education Needs

2.5 The number of children requiring an EHC plan has been increasing and currently 4.2% of the school age population in Tower Hamlets are in receipt of such a plan. There was an increase of £2.3m in the DSG for the High Needs block in 2018-19 however, this is not sufficient to cope with the additional demands including in particular an increase in students in FE colleges with an EHC plan. A review of SEND provision will consider ways in which the pressure can be mitigated.

Other Issues

Local Authority Day Nurseries (LADN).

A consultation on the option of closing the three LADN has now commenced.

The School Forum has resolved to cease the funding from the Dedicated Schools Grant (DSG) for the three local authority day nurseries from September 2018. The Mayor in Cabinets decision to consult on the closure of the LADN on 27 June was 'called-in' and this took place on the 11th July. Full details will be included in the next report

	Ou	Outturn Variance Annual Figures Figures to 30 June 20:					June 2018
£m	Estimated impact on General Fund (GF)	Variance before reserve adjustments	Contribution (to) / from Reserves	Current Budget ⁽¹⁾	Forecast Outturn Position	Budget to Date	Actual
Resources	0.2	10.8	10.6	22.4	33.2	5.6	4.8

The estimated overspend of £0.2m is explained below:

	£m	Variance commentary
Council Tax Admin Additional court costs income cannot be realised	0.2	Additional income through court costs was intended to meet previously agreed savings proposals. This is no longer possible due to restrictions on what we can charge for court costs and the service will need to reduce costs to remain within budget.
		Other comments
Use of Reserves		We are estimating the use of approximately £10.6 m from the ICT Transformation reserve to fund ICT projects agreed by cabinet in 2017/18.

Health, Adults & Community

Outturn position balanced

	o	utturn Varianc	e	Annual Fig	gures	Figures to 30	June 2018
£m	Estimated impact on General Fund (GF)	Variance before reserve adjustments	Contribution (to) / from Reserves	Current Budget ⁽¹⁾	Forecast Outturn Position	Budget to Date	Actual
на&с	-	-	-	141.0	141.0	35.2	24.2

The Health, Adults and Community Directorate forecast outturn for 2018-19 is balanced once the ring-fenced Public Health grant is taken into account. We have summarised the main variances below.

The 2018-19 budgets include £2.7m of savings including £0.8m of savings from prior years. The directorate is forecasting to achieve £2.6m (96%) of savings in 2018-19.

Actuals to date are lower than the budget to date due to quarter one contractual invoices still to be received and paid.

	£m	Variance commentary
Adult Social Care An overspend due to demand for residential and community-based care services for disabled and older people.	1.7	The forecast outturn variance is a £1.7m overspend against a net budget of £89.7m. This is after the expected further allocation of £0.7m inflationary pressures budget, and an expected drawdown from general reserves of £0.5m for Care Act implementation projects.
		The overspend is caused by pressures in demand led residential and community based care services for adults with disabilities and older people.
		Outstanding income from health partners is being reviewed and engagement is underway to resolve historical debt queries.
Commissioning & Health An underspend due to procurement efficiencies.	(1.2)	The forecast outturn variance is a £1.2m underspend against a net budget of £12.6m, following efficiencies achieved through the procurement programme. This is after an expected drawdown from general reserves of £0.3m for Care Act implementation projects.
Public Health An underspend due to procurement efficiencies and	(1.0)	The forecast outturn variance is a £1.0m underspend against the budget of £35.0m. This underspend is achieved through procurement efficiencies and the management of demand in primary care, sexual health and substance misuse services.
demand management.		The unapplied grant of £1.0m will need to be retained in reserves for Public Health initiatives in future years, in line with the ring-fenced nature of the grant.
Community Safety An underspend due to temporary vacancies in staffing.	(0.5)	The forecast outturn variance is a £0.5m underspend against a net budget of £3.6m. This is after the allocation of an expected £0.5m funding for extra police posts.
		The underspend is attributable to a number of temporarily vacant posts being held, pending a safer communities service redesign (to achieve a 2019-20 MTFS saving of £0.255m) and delays in recruitment.

	0	utturn Variano	e	Annual Fig	gures	Figures to 3	0 June 2018
£m	Estimated impact on General Fund (GF)	Variance before reserve adjustments	Contribution (to) / from Reserves	Current Budget ⁽¹⁾	Forecast Outturn Position	Budget to Date	Actual
Place	0.4	0.4	-	64.4	64.8	16.1	9.1

An overall overspend of £0.4m is estimated for 2018-19. Historical savings of £0.20m will not be achieved and continues to be a budget pressure in the current year.

(in numerical descending order)	Variance £m	Variance commentary
Property & Major Programme Unbudgeted costs for	0.3	Costs attributable to securing the new Town Hall site continue to be a budget pressure.
Whitechapel Civic Centre and Vacant premises awaiting disposal.		Security costs on buildings earmarked for disposal will continue to be incurred until disposals or alternate options are progressed.
Resources	0.1	There is an overspend in respect of Kemnal Park whilst demand for burial plots does not meet originally estimated levels. Marketing continues to take place to highlight the availability of plots there.

Outturn position balanced

	Outturn Variance			Annual Fig	gures	Figures to 30	June 2018
£m	Estimated impact on General Fund (GF)	Variance before reserve adjustments	Contribution (to) / from Reserves	Current Budget ⁽¹⁾	Forecast Outturn Position	Budget to Date	Actual
overnance	-	-	-	13.1	13.1	3.3	4.3

The directorate has a net budget of £13.1m and it is currently forecasting a balanced position although there are risks in relation to the Registrars Service which continues to face difficulty in delivering a historic savings target.

Registrars Service	A new registrar's service model, with some additional chargeable services, was introduced in 2016-17 to generate additional income. Changes to fees and charges have been agreed through the fees and charges report which should help reduce the pressure – this is being closely monitored.
General Data Protection Regulations	External support has been commissioned to identify actions required to ensure the Council's continued compliance with these regulations. It is proposed to meet these costs from the Council's corporate contingency with any on-gong requirements being considered as part of the Council's MTFS review processes.

Outturn Position of £3.1m underspend

	Outturn Variance			Annual Figures		Figures to 30 June 2018	
£m Corporate and financing costs	Estimated impact on General Fund (GF)	Variance before reserve adjustments (3.1)	Contribution (to) / from Reserves	Current Budget ⁽¹⁾ (4.4)	Forecast Outturn Position (7.5)	Budget to Date (1.1)	Actual
	(3.1)						
Corporate and C				cil-wide budg	CO IOI IIII	ining costs,	CHVILLE
		that the	ere has been se nis Central po	a. If during the ervice growth t into their bu	in its area, w	ve move som	onstrate ne mone

ensure the new General Data Protection Regulations from this source.

Housing Revenue Account (HRA) 4

Outturn variance for HRA £0.2m underspend

	Outturn Variance			Annual Figures		Figures to 30 June 2018	
Ç.,	Contribution (to) / from HRA	Contribution (to) / from Reserves	Outturn Variance before	Revised	Forecast Outturn	Budget to	Astron
£m HRA	0.2		Adjustments	(7.4)	Position (7.6)	(1.2)	(21.7)

The following consists of the following

(in numerical descending order)	Variance £m	Variance commentary
Client Managed: Non-Dwelling rents/Investment Income	(0.2)	The ongoing rent reviews of the commercial portfolio have resulted in extra non-dwelling rent being recovered than anticipated. This position is net of any foreseen repairs to the properties.
Other Issues		
Revenue Contribution to Capital Outlay (RCCO)		Although currently forecast in line with budget, the HRA estimates assume an RCCO of in excess of £20 million, the majority of which is earmarked to support the use of retained Right to Buy receipts to develop new social housing. The Council is currently holding substantial levels of Right to Buy receipts which must be used for the supply of new housing. The Council has agreed an arrangement with the GLA to extend the period over which these right to buy receipts can be held and applied Capital estimates are in place to meet the expenditure profile required to maximise the use of these resources.
Tower Hamlets Homes (THH) Delegated: Special Services, Rents, Rates & Taxes/ Supervision & Management/ Repairs & Maintenance		Although no variances are currently being projected on the delegated budgets managed by Tower Hamlets Homes, some large demand led services are managed within this area, including the Repairs and Maintenance budget. It should be noted that demand for repairs often increases during the winter months which may result in future demand pressures on the budget. This position will be closely reviewed.

The Council approved a Capital Strategy in February 2017	This set out the intention to ensure that capital expenditure was clearly focussed on its strategic objectives. It described adopting a longer term planning horizon and developing financing strategies and governance arrangements that would underpin this new approach.
In February a longer term programme covering the period to 2028 was approved.	For 2018/19 expenditure proposals amounting to £115.9m were agreed, of which £47.2 were in respect of the Housing Revenue Account (HRA). A further £386m of broad expenditure headings set against the Council's priority expenditure areas were also approved.
Provision of £15m was set aside for new schemes in 2018/19 Cabinet approval for these schemes is sought	A number of specific schemes have now been identified and these are set out in Annex 1. The total estimated amount required currently exceeds the £15m set aside. However, there are a number of schemes from 2017-18 that have now concluded or there is slippage into 2018-19. It is likely that there will be some slippage in 2018-19 against these schemes which can be subject to delays in planning design or delivery. These factors can also be covered through the re-profiling process currently underway. Cabinet are asked to review and approve these schemes.
Provision of £1.5m was set aside for additional feasibility work in 2018/19 Cabinet approval for these schemes is sought	A number of specific schemes have now been identified and these are set out in Annex 2. Cabinet are asked to review and approve these feasibility studies.
New capital governance arrangements have been developed.	The Mayor's Advisory Board will be asked to consider revised capital governance arrangement designed to ensure that capital schemes can be agreed within an overall approval framework that supports more effective delivery of schemes.
Housing Pipeline Capital Schemes	The Housing Capital Pipeline Programme is expected to deliver significant number of high quality council homes by building within existing estates and on other council-owned land to contribute towards the Mayor's 2015 pledge to plan the delivery of 1,000 new council homes. Section 6 below sets out detailed proposals for Phase 2 and sets out the approach to developing a Phase 3 programme.
New Infrastructure Scheme Proposals	A number of residual schemes from the previous Infrastructure Delivery programme have been incorporated into this report pending the full operation of the new capital governance arrangements including in particular a Capital Strategy Board. Section 7 sets out two schemes where approval is sought to bring them into the capital programme together with additional funding.
Slippage	There is currently £52m of slippage which is being profiled into 2018/19 and future years.

Capital Variances We are have also identified £10m of underspends that will not be required.

The capital programme also includes £1.7m of overspends. These are being investigated and a full report will be brought to the next meeting.

Capital – Housing Pipeline Schemes

A capital budget of £149.2m is sought in relation to a number of schemes to deliver the Council's Phase 2 Housing Capital Pipeline Programme. Approval to enable the Corporate Director (Place) to award contracts through appropriate frameworks or alternate procurement routes, enter into agreements and submit grant funding applications in support of the schemes identified is also sought.

A capital estimate of £1.5m is also requested to commission viability work and detailed design and consultancy to enable the submission of planning applications for the Phase 3 sites to be identified.

Schemes within the current phase of the Housing Capital Pipeline Programme were identified in the estate capacity study completed in November 2016 and following a review of under-used council-owned assets.

In addition to infill sites, the estate capacity study assessed each of the Council's estates, scored them against a list of agreed criteria, prioritising stock condition and identified a number of estate regeneration opportunities which will be explored as part of third phase of the Pipeline Programme.

The Council has maximised its delivery programme by purchasing development sites on the open market, such as 99 St Paul's Way, and making use of other assets in its ownership to increase the supply of housing and provide other community uses

A number of schemes are progressing through the planning process

Annex 4 sets out information in respect of the proposed Phase 2 Housing Pipeline Programme. For each scheme a capital budget has been identified over the period 2018-2024.

In total 288 new council homes will be created from these schemes contributing to the Mayor's 2015 pledge to plan 1,000 new council homes. For these schemes, design and feasibility works to RIBA stage 3 are underway alongside community consultation.

The first community consultation events took place in October 2017 at the start of the design development process. As part of its commitment to consultation, residents and other local stakeholders are invited to a minimum of two consultation events to inform the design development and review feedback prior to a planning application being submitted

A phase 3 programme is also being developed.

These will contribute to the Mayor's 2018 election pledge to create a further 1,000new council homes

A number of financing options are available

A combination of retained right to buy receipts, HRA capital reserves, external grant funding and borrowing will be used to optimise the council's funding position.

The delivery route will inform the financial viability of the scheme and potentially provide cross-subsidy through mixed tenure provision. However, the capital allocation being sought is based on the cost estimates and at the outset of the project is sufficient to cover the total

The propose mixed use schemes are expected to be delivered through one of the Council's housing delivery vehicles

This will require a proportion of the new homes to be let at market or sub-market rents alongside new council homes let at social rents and the Tower Hamlets living rents.

Capital – New Scheme Proposals

Two schemes have been progressing through the previous Infrastructure Delivery process to secure approval for inclusion in the capital programme; the Community Hubs project and Island Medical Centre.

Approval is sought for a capital budget of £3.145m for Community Hubs and £0.986m for the Island Medical Centre

Community Hubs

Approval is sought for a capital budget of £3,145,000 for the restoration of 5 community buildings to create a network of Community Hubs. These Community Hubs include:

- Christian Street (already completed)
- St Andrews (Bromley by Bow)
- Tramshed (Bethnal Green) (already completed)
- Raines House (Wapping)
- Granby Hall (Bethnal Green)

The Council has a large property portfolio. A small but significant part of the estate is the community buildings portfolio; a number of these buildings are used for much-needed services for local residents, provided by local voluntary and community sector groups. The borough has around 2,000 voluntary and community groups.

The council reviewed the use of community buildings in the borough and looked into existing agreements with occupiers, the terms of occupation, the condition of buildings and the range of activities taking place in them.

To maximise the use of council resources, the December 2015 Cabinet report recommended a network of community hub buildings be established throughout the borough in order to best serve local communities with good quality, relatively inexpensive accommodation. Community Hubs aim to provide accessible, high quality, versatile, multi-use spaces for use by voluntary and community groups throughout the week on a shared basis that can be hired on a short-term or long-term basis. The establishment of Community Hubs will provide voluntary, community and residents groups in Tower Hamlets with access to high quality, secure and safe places from which they can operate and deliver services.

	The Community Hubs will be initially marketed and managed directly by Council, but in the future will be managed by an external provider on behalf of the Council
Island Medical Centre	Approval to capital expenditure of £985,838 is sought to remodel the existing Island Medical Centre at Roserton Street E14 3PG in order to increase its ability to serve the health needs of the expanding local population. The project will involve the health centre extending into another part of the building which is not currently in health usage in order to create more clinical space as well as remodelling the existing health space to increase the number of clinical rooms. Island Medical Centre was not included in the initial programme of Maximising Health Infrastructure (MHI) works to increase capacity in the health estate in Tower Hamlets, however, an opportunity has since then presented itself to expand the practice by leasing additional floor space in this location. As above, the project is additional to the initial programme. The Harford and Whitechapel schemes in that programme have not proceeded beyond feasibility study and surveys due to it not being possible to obtain the necessary approvals. If approved, It is expected that the final design will be completed in Autumn 2018 and the works be tendered in the Winter for commencement on-site in Spring 2019. It is therefore expected that the extended and improved facility will be fully operational Autumn 2019.
Detailed Project Initiation Documents are available for review	Both projects have detailed Project Initiation Documents which were prepared for the Infrastructure Delivery process.
Funding approach	Existing S106 resources have been identified which meet the relevant criteria for both of these projects in addition to CIL funding. The projects will be financed in a way that optimises the Council's time limited or constrained resources at the point expenditure is incurred.

Sources of Finance

The Council's Medium Term Financial Strategy set out a financing requirement of £338m primarily from locally determined sources of funding such as the Council tax and retained business rates. This section sets out whether there are any significant variations or issues in respect of these or other sources of finance used to fund the Council's activities both Revenue and Capital.

D	D-4	D:1 - +
Business	Kates	PIIOT

At the time that the Council set its budget the latest information in respect of the London Business Rates Retention Pilot scheme was that Tower Hamlets' share of the estimated additional growth from the scheme was £8m; this was used to fund a number of the one-off mayoral Priority Growth items. The final calculations indicated that additional growth across London was anticipated and that the final share of the amount to be redistributed is £10.4m.

As with the original sum projected this should only be used for one-off purposes.

S106

The total unspent resources for S106 at the end of the 2017-18 financial year and the period to the end of May 2018 are shown in the table below.

	31 March 18	31 May 18	
	(£m)	(£m)	
Revenue	9.204	10.140	
Capital	88.999	94.409	
Overall Total	98.203	104.549	

Community Infrastructure Levy (CIL)

The total unspent resources for CIL to 30 April 2018 is £39.4m.

Before CIL is received there are a number of formal processes to establish the eventual CIL liability and payment. These are:

- Liability Notice an early indication of floorspace from which an initial liability is calculated.
- Demand Notice Confirms CIL Liability on receipt of a Commencement Note and generates an invoice to be paid.

The tables below summarises the key financial information based on the CIL from inception (April 2015) to date:

Table 1

	30 April 18
	£m
Liability Notices	54.5
Demand Notices	44.5

Table 2

	30 April 18	
	£m	
Invoices Raised	39.6	
Payments Received	39.5	
Unspent Resources	39.4	

1-4-1 Retained Capital Receipts from Right to Buy sales

The latest position in respect of retained right to buy receipts is set out in Annex 3. Under current regulations the Council is required to use these receipts within a three year period following receipt or alternatively return them to the government with interest. The Council has so far been able to meet this and the other relevant constraints and has therefore not needed to repay any receipts. However, as can be seen in Annex 3 there is a risk of having to return some receipts depending on future payment profiles.

There is a potential risk as early as Q2 in 2018-19 when £121.9m of relevant expenditure must be incurred to avoid returning, with interest, some right to buy receipts. Currently expenditure of £105.2m is projected highlighting the extent of the risk.

In order to mitigate this risk the Council has now signed an agreement with the GLA who have agreed to ring-fence both the receipt and interest elements of any returned receipts. This welcome approach gives in effect a further period of 3 years during which the receipts can be applied for the same purposes as originally held.

Current projections will:

This table shows the balance on the general fund, HRA and useable reserves held for the previous 2 years as well as showing the projected impact on reserves for 2018-19.

Reduce	our	General
Fund by	£6.	9m

Increase our HRA by £0.2m

Reduce our earmarked Reserves by £10.6m

	Balance at 31 March 2017	Balance at 31 March 2018	Contribution (to) / from Reserve	Projected Balance 31 March 2019
	£m	£m	£m	£m
General Fund Reserve	31.7	31.7	6.9	24.8
Housing Revenue Account (HRA)	39.1	47.6	(0.2)	47.8
Earmarked Reserves	159.4	141.9	10.6	131.3
				-
Total Usable Reserves	230.2	221.2	17.3	203.9

	Balance at 31 March 2017	Balance at 31 March 2018	Contribution (to) / from Reserve	Projected Balance 31 March 2019
£m	£m	£m	£m	£m
Earmarked reserves consist of				
Transformation	25.0	15.0		15.0
ICT / Finance Systems	23.1	21.0	10.6	10.4
Other	1.0	0.9		0.9
Parking Control	3.3	3.3		3.3
Building Control	0.4	0.2		0.2
Land Charges	0.7	0.7		0.7
Insurance	20.8	21.2		21.2
Children's Schools and Families	-	1.3		1.3
Schools Balances	24.7	23.4		23.4
New Civic Centre	20.0	17.2		17.2
New Homes Bonus	7.3	12.1		12.1
Free School Meals	6.0	4.0		4.0
Mayor's Investment Priorities	10.0	7.0		7.0
Risk Reserve	10.5	8.8		8.8
Revenue Grants	1.6	1.7		1.7
Mayor's Tackling Poverty Reserve	5.0	4.1		4.1
Totals	159.4	141.9	10.6	131.9

£m	Saving Target	18/19 Target	Prior Year Slippage	Forecast Savings	Slippage	Under Recovery	Over recovery
	A = B + C	В	С	(D = E + F +G) = A ✓	E x	F X	G √
Children	3.3	2.6	0.7	3.0	0.3	0.3	-
HA&C	3.5	2.7	0.8	3.5	-	-	-
Place	2.8	1.9	1.0	2.1	0.5	0.2	-
Governance	0.7	0.0	0.7	0.7	-	-	-
Resources	3.1	2.1	1.0	3.1	-	-	-
All	10.4	9.0	1.3	10.4	-	1.5	-
Total	23.8	18.3	5.5	22.8	0.8	2.0	0.0

tick: a higher level of confidence that savings are on track to be delivered. cross: either timing issues, i.e. slippage into future years, or at risk of non-delivery.

Total target for 2018-19 is £23.8m (£18.3m relates to approved savings as part of the 2018-19 budget setting process, and £5.5m as a result of previous year savings not delivered)

- £22.8m is identified as being on track to deliver savings;
- A net position of 0.8m is forecast to slip into future years due to timing issues
- £2m has been identified as unrecoverable

This section shows the amount of money we have collected from Tax payers of the borough, and the split between the amount that is retained and the amounts paid over to central and government and the GLA.

NNDR

We are expected to collect £460m for 2018/19.

We are expected to collect £460m in Business Rates. To the end of May we have collected £86m (22%) and are on target to achieve full collection.

NNDR is split between

GLA 36%, LBTH 64% At the end of the previous year there was also an outstanding debt of £21m relating to historic periods. Of this £6m (29%) has been collected.

Council Tax

We are expected to collect £121m for 2018/19.

We are expected to collect £121m in Council Tax. We are on target to achieve a full collection with £22m (18%) having been collected by the end of May.

CT is split between

Government 23%,

We also have historic Council tax debt of £19m at the end of last year. Of this we have collected £1.5m or 8%. This is a little lower than we would expect, but we have had to make a large refund during the year for properties that have changed tax status.

Overall Position

We have £461m of investments

For this period our portfolio totals £461m, and we are current receiving an average return of 0.75%.

We currently have 24% of the total portfolio Investments, held in the Money Market Funds to provide liquidity and to diversify risk. Almost 48% of the outstanding investments have less than 3 months to mature. Only £52m of investments are held for periods longer than 12 months.

Benchmarking

We compare favourably for the return we get from our internally managed funds, but at present we do not hold external investments According to the information we receive from our advisors Arlingclose, we are out performing both a group of London councils, and a group of national local authorities (both averaging 0.48% on internally invested funds). We are looking at alternative approaches to retain and protect the capital value of the investment, with our Treasury Management advisors investigating options which will balance the risks and rewards whilst including Equity, Bonds and Property in the portfolio.

Inflation

Inflation is eroding the value of our investments.

At the moment the Consumer Prices Index (CPI) inflation is running at 2.3%, and therefore the average return of 0.75% is significantly lower. This means that the future value of the funds invested today will be less.

Pension fund

12

Overall Position to 31st March 2018

Over the year the fund value has increased by £113m to £1.48bn, which should mean an improvement on the 82.8% funding level from last year. We are awaiting confirmation from the actuary on this funding level improvement which should show the funding level is in excess of 90%

The pension committee receive quarterly updates on the level and administration of the pension fund. The year end position will be reported to the July meeting of the Pension Committee.

Education condition and Improvement Programme	3.000	Condition and improvement works (boiler repair, roof repair and refurbishments) across a number of school premises, funded by basic need grant.
Healthy Pupil Capital Funding (HPCF)	0.259	Portion of Soft Drinks Industry Levy will be provided in 2018-19 for the HPCF, LBTH allocation for 18/19 (£258,782). This fund is intended to improve children's and young people's physical and mental health by improving and increasing availability to facilities for physical activity, healthy eating, mental health and wellbeing and medical conditions.
SEND Review Implementation - Tommy Flowers House	0.100	This programme will deliver the additional special school places identified as required under the recent SEND review of demand. This follows on from an earlier review conducted during 2016, which found that projections of demand for places in SEND were poorly developed.
		The child population in Tower Hamlets is expected to grow by over 20% by 2026. The number with SEND should, at least, keep pace with this. Although we are not yet certain, this might mean as many as 500 extra children and young people with SEND.
SEND Review Implementation - Conversion of Bow Boys South site to create additional temporary classrooms for Phoenix School	0.800	As above.
SEND Review Implementation - Temporary classrooms to the rear of Beatrice Tate school	0.500	As above.
Section 55 Programme - Transport and Improvements	0.440	To use, under the provisions of Section 55 of the Traffic Management Act, the surplus accumulated to the Parking Reserve account for a range of transport and local environmental improvements.
Capital Footway and Carriage Programme - Council Contribution – Transport and Highways	2.730	Improvement works to footways and carriageways, evaluated in accordance with need and transport priority.
Remote Monitoring of Street Lighting	0.400	The opportunity exists to amend the current street lighting replacement programme to include remote monitoring. Remote monitoring allows more effective management of lighting stock.
St George's Town Hall – Refurbishment Programme	0.750	St Georges Town Hall is a Grade II listed building in the council's ownership, currently occupied by small business users. The proposal is to refurbish and reconfigure the building to provide a mixed-use hub, including a basement café, community office space, meeting

		and ceremony rooms, commercial offices and workspace, subject to listed building consent, for which the overall project cost over two years will be £1m. An architect has been appointed and has redesigned the space for consultation with occupiers ahead of submitting a planning application. The project is expected to take 18 months to complete.
Montefiore Centre – Refurbishment Programme	1.000	The Montefiore Centre was brought back into the council's management in 2016 to enable the improvements to be carried out and the future use of the building to be optimised, in line with published service priorities. Essential repairs are required, including repairs to the roof, replacement windows, a new boiler and central heating system and rewiring and alongside these works the proposal is to upgrade the building to create a mixed-use hub with a range of accommodation and facilities including a café, community and commercial office space, nursery provision, studios, meeting rooms, workspace and a roof garden. The overall project cost over 2 years is £2m and the project is expected to take 18 months to complete.
Reconfiguration of Idea Stores and One Stop Shops – Local Presence	1.6	The project includes the reconfiguration of five of the borough's Idea Stores to ensure that they are able to deliver excellent customer service. The designs for this work have been completed and the project is ready to proceed.
Housing Pipeline	5.9	Additional new housing projects – The value of the overall programme is £131.4m, of which £5.9m is required in 2018/19. More details are included in Section 6 including detailing the specific housing projects over the period to 2028.
Total	17.499	

Proposed Feasibility Studies

0.085	A conditions survey, the results of which will be used to inform a cyclical maintenance programme for this area.
0.100	Feasibility work to determine the Depot requirements for the Council.
0.350	Condition and improvement surveys across the Schools estate
0.500	Review our current asset base with a view to creating a number of new arts space and multi-use buildings.
1.035	
	0.100 0.350 0.500

						0				
Deadline	Quarter received	1-4-1 receipts	TOTAL SPEND NEEDED (Cumulative)	TA Acquisitions: Buy-backs, Poplar Harca, Out of Borough, SPW	RP grant scheme	New- build & Pipline	Conversion of surplus properties	\$106	Total in Q	CUMULATIVE SPEND (ACTUAL)
0	0	£m	£m	£m	£m	£m	£m	£m	£m	£m
31-Mar-17	2013-14	5.011	16.703	7.695	3.117	17.390	-	-	13.022	28.202
31-Mar-18	2014-15	20.906	86.389	51.757	6.555	2.576	0.090	-	9.485	89.180
Deadline	Quarter received	1-4-1 receipts	TOTAL SPEND NEEDED	TA Acquisitions: Buy-backs, Poplar Harca, Out of Borough	RP grant scheme	New- build and Pipeline s	Conversion of surplus properties	\$106	Total in Q	CUMULATIVE SPEND (FORECAST)
		£m	£m	£m	£m	£m	£m	£m	£m	£m
Q1 spend to date (29/06/18)	0	0	99.721	10.341	0.663	0.592	0.059	0.000	11.656	100.836
30-Jun-18	Q1 15/16	4.000	99.721	10.688	0.663	0.700	0.059	,	12.110	101.290
30-Sep-18	Q2 15/16	6.660	121.921	2.350	0.553	1.000	-	1	3.903	105.193
31-Dec-18	Q3 15/16	6.678	144.179	-	4.330	1.000	-	7.983	13.313	118.507
31-Mar-19	Q4 15/16	6.419	165.577	-	1.250	1.000	-	-	2.250	120.757
30-Jun-19	Q1 16/17	9.024	195.656	-	-	5.385	-	-	5.385	126.142
30-Sep-19	Q2 16/17	10.487	230.612	-	-	8.160	-	-	8.160	134.302
31-Dec-19	Q3 16/17	9.579	262.541	-	-	10.866	-	-	10.866	145.168
31-Mar-20	Q4 16/17	5.538	281.000	-	8.133	14.698	-	-	22.831	167.999
30-Jun-20	Q1 17/18	4.640	296.467	-	-	15.013	-	-	15.013	183.012
30-Sep-20	Q2 17/18	6.555	318.318	-	-	9.201	-	-	9.201	192.213
31-Dec-20	Q3 17/18	5.300	335.984	-	-	5.316	-	-	5.316	197.529
31-Mar-21	Q4 17/18	4.239	350.115	-	-	-	-	-	-	197.529



CONTROL BUDGET 2018-19	Total General Fund	Health, Adults & Community	Children's Services	Place	Governance	Resources	Corporate Costs and Central Financing
Gross Expenditure Budget	992'656'118	168,425,485	158,770,113	170,956,794	20,734,853	287,891,923	5,180,598
Gross Income Budget	(468,229,962)	(27,451,103)	(51,542,957)	(106,573,176)	(7,604,483)	(265,575,243)	(9,483,000)
Nex Expenditure Budget	343,729,804	140,974,382	107,227,156	64,383,618	13,130,370	22,316,680	(4,302,402)
Growth awarded - Heritage Collections Backlog	0					115,000	(115,000)
Pay inflation adjustment 2018-19	0		(47,799)				47,799
	0						
	0						
Total Adjustments	0	0	(47,799)	0	0	115,000	(67,201)
Revised Net Expenditure Budget	343,729,804	140,974,382	107,179,357	64,383,618	13,130,370	22,431,680	(4,369,603)



Capital Control Budget 2018-19	Total	Health, Adults &	Children's	Place	Resources	Corporate	Housing Revenue
		Community	Services				Account
	£	£	£	£	£	£	£
Original Budget (Council, February 2018)	115,861,714	2,550,000	7,904,787	31,481,926	500,000	26,263,000	47,162,000
Slippage from 2017-18	60,329,045	1,976,988	8,717,162	21,594,801	280,487	6,964,145	20,795,463
Quarter 1 Total Adjustments	(8,434,191)	(2,018,085)	4,048,696	57,770	1,163,000	(11,748,699)	63,126
Revised Budget	167,756,568	2,508,903	20,670,646	53,134,497	1,943,487	21,478,446	68,020,589



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Reference	Directorate	Service Area Title		Theme	Savings	Savings SI		ed Delivered	Forecast Var	2018=19 riance - Variance - Forecast	8-19 Status update	Savings		2019-20 Revised Foreca	50 Forecast Variance - Variance		Rev		Variance - Var	riance -
					Achievement Status	target from previous		Savings / cashed savings starget	Savings S	ippage Under / savings (over) RAG		target from			savings Slippage Under / (over)	target (savings Slippage Under	Under / (over)
						€,000	year £.000	£.000.3	000.3	£,000 £,000		£,000	year £.000	£.000.3	000.3 000.3 00	000. J	year £'000 £'000	000.3	000. J	f.000
Savings De	Savings Delivered / On Target																			
SAV/ CHI 0	SAV/ CHI 01 Children's	Sport Leisure E	Sport Leisure Events In Parks - Income	Smarter	Savings Delivered /	300		300	300	•						- 350	- 350	350		
CHI002/17- 18	Children's Services	Youth B	Better support for families through Smarter early help, and reduction in social Demand	Smarter Demand	Savings Delivered / On Target	'						1,000	-	1,000	,					
		Commissioni care demand		Management	,															
CHI004/17-	Children's	Childrens	Integrating Employment Services	Smarter Service	Savings Delivered /					,		143		143	143 -					
CH1006/17-				Service	On larget Savings Delivered /	250		250		250 -			250	250	250		250 250	0	250	
18	Services	Social Care			On Target											,				
24W HACO /18-19	/18-19 Community	Care	Adult sodal Care Transformation	Smarter	Savings Delivered / On Target											T,000	, ,	0007		
AD110011/17-	· Health Adults &	Adult Social	Social Care Services for Older	Management	Savings Delivered /	300		300	300			2005		005	- 005		-			
18	Community	Care		Demand	On Target										-					
E17 C0011CV	Health Adults 0.	A doda Contin		ent			00					900			90					
AD U002/1/-	- Health, Adults & Community	Adult Social Care	Community Equipment Service	Smarter Service Design	Savings Delivered / On Target		8	88	8			308		308	- 308					'
AD U004/17-		Adult Social	Reshaping Reablement Services		Savings Delivered /	467		467	467			319		319	618					
18	Community	Care		Demand Management	On Target															
AD U005/17-		Adult Social	Efficiencies in Adults	Service		220		220	220											
18	Community	Care			On Target	1		1	-											
ADU006/17	ADU006/17- Health, Adults & Community	Adult Social Care	Substance Misuse	Smarter Demand	Savings Delivered / On Target	3	,	9	8	,					'				•	
	,			ent																
AD U008/17	ADU008/17- Health, Adults &	Adult Social	Day Opportunities Provision	Smarter Service	Savings Delivered /	310		310	310			140		140	140	1	,		•	'
AD U009/17-	- Health, Adults &	Public	Public Health - 0-19 Public Health		Savings Delivered /	409		409	409			311		311	311 -					
18	Community	Health		Demand	On Target															
-YD010/17-	- Health, Adults &	Public	Public Health- Adult Weight	ent	Savings Delivered /	48	40	88	96	80										
a	Community	Health			On Target	l	!	1	! !											
CI/IION DA	- Health, Adults &	Public	Public Health- Community	Smarter	Savings Delivered /	25		20	25						,					
je	Community	Health		Demand	On Target	1														
ADU012/17	- Health, Adults &	Public	Care		Savings Delivered /	98	(38)													
1 3	Community	Health		Demand Management	On Target															
D0013/17	- Health, Adults &	Public	alth - Sexual Health	Smarter	Savings Delivered /	158		158	158			100		100	. 001					
<u>#</u>	Community	Health	Services	Demand Management	On Target															
ADU014/17-	- Health, Adults &	Public	h - Specialist Smoking		Savings Delivered /	Z	6	47	25	6										
18	Community	Health		ent	On Target															
CLC003a/17	CLC003a/17- Health, Adults &	Community	ign - Safer	9								255		255 2	252					
18	Community	Safety DAAT Communities and ASB		Design	On Target															
SAV/ PLA 01 Place	1 Place	Public Realm V	Street	Smarter	Savings Delivered /											- 200	7	200 200		
/18-19			Cleansing Contract		On Target															
SAV/ PLA 02	2 Place	Housing R	Review of Housing Delivery		Savings Delivered /											- 100	H -	100 100		
67.07/					36 m															
SAV/ PLA 03	3 Place		Reduction in Running costs/		Savings Delivered /										,	- 100	-	100 100		
67.07		ă .		Support	1986															
2	1	Delivery														000	-			
718-19	4 Place	Lablic Realin	inciencies	Smarter service Design	On Target											007	4			
SAV/ PLA 05 F	5 Place	Sport Leisure R	Sport Leisure Review of Parks	Service												300	χ.	300 300		
67.07 /		o control			1986															
CLC001/17- 18	Place	Public Realm \	Public Realm Waste Management Contract Efficiencies	Smarter Demand	Savings Delivered / On Target	1,008	ਜੋਂ -	1,008	1,008	•		1,000		1,000	,		,		,	
CLC004/17-	Place	Public Realm S		-	Savings Delivered /	300		300	300											
18		a: 11	Mobility & Transport Services Efficiencies	Customer	On Target															
		1		Acres of			1	-		_				_	-		_		-	Ī

Reference Di	Directorate	Service Area Title			Achievement Status	target from previous	rom Savin ous targ	Savings / cashed target	savings Slippag	ge Under / savings (over) RAG delivery	target	from Sr previous	Savings savings target	Slippage	Under / target (over) delivery	from previous year	Savings savings target	savings Slippage Under (over deliver
							0,3	000.3 00	0,3	000.3	000. J	000.J	0.3	£,000	000. 3		000. 3	000. 3
D&R001/17- Place		Planning & R Building P	Responding to Competition in S Planning D	Smarter Service Design	Savings Delivered / On Target	22		72	22		76	•	36	,	,	1		'
D&R002/17- Place			logy in	Smarter Service							300		300					
R003/17-	Place	Housing P	Purchase of Private Sector Units S	Smarter Service	On larget Savings Delivered /	200	ığ.	200	200						-			
18	<u> </u>		within the General Fund for use as D Temporary Accommodation	Design	On Target													
SAV/ RES 01 Re /18-19	Resources B	Benefits II	6	Smarter Business	Savings Delivered / On Target	'								'	- 200	,	200 200	
SAV/ RES 02 Re	Resources H	Human H	HR Services - Additional Staffing S Efficiencies	Smarter	Savings Delivered /										- 100		100 100	
				Support														
SAV/ RES 03 Re /18-19	Resources R	Risk II Assessment N	-	Smarter Business Support	Savings Delivered / On Target	·				•				1	20	,	05	
SAV/ RES 04 Re /18-19	Resources Ss	Revenue R Services e	s – Workforce ugh greater self- mation	Smarter Business	Savings Delivered / On Target	,				'		,			- 100	,	100	•
SAV/ RES 05 Re /18-19	Resources	DI DI		Smarter Business	Savings Delivered / On Target	1								,	- 750	,	750 750	
SAV/ RES 06 Re / 18-19	Resources G	Corporate F	Finance Services – Process S improvements and new Finance B System Implementation S	Smarter Business	Savings Delivered / On Target										100	,	100	
SAV/ RES 07 Re /18-19		5	E		Savings Delivered / On Target							,			900	,	300	
SAV/ RES 08 Resources		Housing	Income Through Housing S Companies B	Smarter	Savings Delivered / On Target	,						,		,	- 250	,	250 250	
V/ RES 09 R.		Housing	THH - Potential support service S	Smarter Service	Savings Delivered /										- 100	,	100	
SAV/ RES 10 Resources		Customer A	al Local Presence es	Smarter	Savings Delivered / On Target									,	300		300	
:S002/17- R.		Benefits B	Benefits Service Admin Savings S	Smarter Service	Savings Delivered /	525	10	525	525		525		525 525		1	,		
SAV/ CORP AI 01 / 18-19		IIA D	Treasury Management Investment S Opportunities B		Savings Delivered / On Target	1,458	1,458	85	1,458				•	,		'	,	
SAV/ CORP All 02 / 18-19		All	Contract Management Efficiencies S	Smarter Business Support	Savings Delivered / On Target									1	- 4,250	,	4,250 4,250	
	All	All	Fees & Charges S	Smarter Business Support	Savings Delivered / On Target	419	. 4	419	419		419	*	419 419	'				,
	All		Debt Management & Income Optimisation S	Smarter Business Support	Savings Delivered / On Target	3,000	3,000	8	3,000	,	3,000		3,000	'		,		
ALL008/17- AI	All	All	Treasury Management Efficiencies S		Savings Delivered / On Target	200	'n	200	200	•			•	'		,	•	,
ALL009/17- AI	All	All	Consolidation of Business Support S and Administration Functions S	Smarter Business Support	Savings Delivered / On Target	1,000	1,000	8	1,000		•	,			,	,	,	,
ALL010/17- Al 18 Savings Deliver	ALL010/17- All A	N N	ICT Centralisation B B B S S		Savings Delivered / On Target	11.428		88	11.282 250	. (13)	400	- 250	400 400 9.046 8.796	- 250	0.090	- 250		
wings Slippin	o but Achievable																	
CHI001/17- CF	nievab	outh invices and ommissioni		Smarter Demand Management	Savings Slipping but Achievable			400	400						<u> </u>			
	Children's Le Services A	Learning & In Achievement p	Learning & Increasing the involvement of S Achievement partners in Early Years services D	Smarter Demand Management	Savings Slipping but Achievable	1,204	125 1,329	53	1,329		1,079	1	1,079	'	-	'	•	1
CHI005/17- CF		Learning & I Achievement c	Learning & Better targeting of services for Smarter Achievement children with special educational Demand need and disabilities (SEND) Management	Smarter Semand Aanagement	Savings Slipping but Achievable	300	100	400	400	,	740	*	740 740	'		1	,	
CLC002/17- Ct	Children's S	Sport Leisure 1	ncome Optimisation Opportunities s	marter Service	Savings Slipping but	300	40	340	340		40		40 40					

	Reference Directorate	Service Area Tide	Theme Savi	Savings Achievement Status	Savings Slip target prev	Slippage Revi from Savi previous tar year £'000 £'	Savings / cashed target £'000	Revised Delivered Forecast Variance - Variance - Forecast Savings Slippage Under / Isanings target (over) RAG (over)	ice - Variance - Forecast hage Under / savings (over) RAG delivery	f Status update	Savings Slippage target from previous year £'000	Revised From Savings starget are target	Forecast Variance - Variance savings Slippage (over (over £000) £000	ariance - Savings Under / target (over) delivery £'000	gs Slippage from previous year 00 £'000	Revised Forecast Savings savings target £'000	Variance - V. Slippage £'000	ariance - Under / (over) delivery £'000
		Sport Leisure Culture, Learning & Leisure Service and Culture Efficiencies	Smarter Service Savi Design Achi	ings Slipping but ievable	250		27.1	271	1						•			_
The control of the		Adults Social Helping People with Learning Care Disability live Independently	ent	ings Slipping but ievable	282		766	766	1		619	- 619	- 619					
Part	-71/700	Adults Social Improving Employment Support	Smarter Service Savi	ngs Slipping but	52		219	219			100	100		'				
10 10 10 10 10 10 10 10	-91/100	Adults Social Review of Day Services for Older Care		ngs Slipping but			191	191									,	
1		Adults Social Sharing Services with NHS Partners	Smarter Service	ngs Slipping but			200	200								,	,	
		Realm Alternative Service Delivery Model	Smarter Service Savia	ngs Slipping but	,		160	1,	0.		91		160					1
The control			Design Ach	ievable														T
Market And Processes			Smarter Service Sav. Design Achi	ings Slipping but evable	•		200		700				•		'		'	
State Parket beliance Pa	-91/2003			ings Slipping but			451				35		351 -		,		'	
Comparison Com				ngs Slipping but		88	68	88					1		,			
Company Continue	17	delivered by Schools	Design Ach	ievable		-												
Columbia	D&R008/16- Place 17	Generating more income from council assets	Smarter Service Sav. Design Ach	ings Slipping but ievable	'	SS	20	SS.	1				,	1	•	1	'	
State Stat				nas Slippina but		009	009	009							ľ			
Properties Pro		Performance Functions		ievable														
Succession Suc		& Implementation of Registration	Service	ngs Slipping but		80	80	80					'		'			ľ
State Stat	16	tic Service new business model		ievable														
Note Risk Review and Review Risk Studies Studi	RES001a/17- Resources	Human Resources		ings Slipping but ievable	1,250		,500	1,500								•	'	
String String Signing bat	RES005/17- Resources	Review and Revise Risk Sament Management Service		ings Slipping but ievable		45	45	45	•				,					
All Human Recorrest Simple Spipping bat Liston Li	LL004/17- Resources	Centralisation of Finance		ings Slipping but ievable	300		000,	1,000	1						'			
All Human Resources Similarer Saming's lipping but 1500 1	10	1																Ī
All All Furctional Consolidation of Snarter Savoings Stipping but Procurement Business Activacidad Busine	A RESO01b/17- All	Human Resources		ings Slipping but ievable	1,500		005,	1,500	1		2,000	2,000	2,000		'	•	'	
Review of Printing Samings Shipping but Review Revi		Functional Consolidation of Procurement		ings Slipping but ievable			250	250	'							•	1	
Control Cont		Review of Printing/ Scanning/ Use of Multi-Functional Devices		ings Slipping but ievable	200		066	066	•		200	. 200	- 005	<u> </u>			,	
6.891 5.360 13.251 - 11.940 511 200		Local Presence / Contact Centre Review		ings Slipping but ievable	059		,250	1,250			800	800	008		'			
1635 E.S.S. 2571 BES 3151 E.S.S. 261 CFF 1572 1574 S.S.S. 1575 157	Savings Slipping but Achiev	vable	Access				- 152						6,389	•				
	T-4-1												101 11	600				

MTFS Savings Tracker 2018-21 as at 31 May 2018 - Summary

Savings Sippage Revised Forecast Variance Var				2018-19	-٦٣					02-ET02	7-20					Z0Z0Z	77.		
C C C C C C C C C C		Savings	Slippage from		Forecast	Variance - N	/ariance - Under /	Savings target	Slippage			Variance - Slippage	/ariance - Under /	Savings target		Revised Savings		Variance - Slippage	Variance Under
2,564 6.86 3,239 3,040 250		€.000	previous year £'000	target *	£,000	000,3	(over) delivery £'000	€.000	previous year £'000	•		000. 3	(over) delivery £'000	000,3	pre	target £'000		€,000	(over) delivery £'000
1,880 950 2,830 3,940 2,50 2,652 2,622	Directorate																		
1,880 950 2,830 2,119 511 200 1,376 511 1,887 1,187 1,182 1,183 1,18	Children's Services	2,604	989	3,290	3,040	250	1	3,002	250	3,252		250	1	350		009	350	250	
1,880 950 2,830 2,119 511 200 1,376 511 1,887 1,88	Health, Adults & Community	2,733	792	3,533	3,546	1	(13)	2,652		2,652		1	1	1,000	-	1,000	1,000	1	
18,319 5,443 23,770 22,822 761 187 18,319 18,3190 19,367	Place	1,880	950	2,830	2,119	511	200	1,376		1,887	1,887	1	1	880		880	880	1	
1,319 5,443 23,770 22,822 761 187 187 187 18,319 24,443 23,770 22,822 761 187 187 18,319 24,435	Governance	1	089	089	089	1	1	1	1	1	1	1	1		1	1	1	1	
9,027 1,340 10,367 10,	Resources	2,075	995	3,070	3,070	1	1	525		525	525	1	1	2,550	1	2,550	2,550	1	
18,319 5,443 23,770 22,822 761 14,674 761 15,435 15,185 250 - 9,030 250 9,030 250 9,030 11,428 83 11,519 11,540 511 20 5,878 511 6,389 6,389 - 9,030 250 9,030 250 9,030 18,319 5,443 23,770 22,822 761 18,7435 15,185 15,185 250 - <t< td=""><td>All</td><td>9,027</td><td>1,340</td><td>10,367</td><td>10,367</td><td>1</td><td>1</td><td>7,119</td><td></td><td>7,119</td><td></td><td>1</td><td>1</td><td>4,250</td><td>1</td><td>4,250</td><td>4,250</td><td>'</td><td></td></t<>	All	9,027	1,340	10,367	10,367	1	1	7,119		7,119		1	1	4,250	1	4,250	4,250	'	
11,428 83 11,519 11,282 250 (13) 8,796 250 9,046 8,796 250 - 9,030 250 9,030 9,030 9,030 9,030 9,030 9,030 9,030 9,030 9,030 9	Total	18,319	5,443	23,770	22,822	761	187	14,674	761	15,435		250	•	9,030		9,280		250	
e 6,891 5,360 12,251 11,540 511 200 5,878 511 6,389 6,389 -	(Solvings Achievement Status					-													
e 6,891 5,360 12,251 11,540 511 200 5,878 511 6,389 6,389	Savings Delivered / On Target	11,428	83	11,519	11,282	250	(13)	8,796		9,046		250	ı	060′6		9,280		250	
18,319 5,443 23,770 22,822 761 18,77 15,185 250 - 9,030 250 9,280 9,030	Sayings Slipping but Achievable	6,891	5,360	12,251	11,540	511	200	5,878		6,389		1	1		-	1	'	1	
18,319 5,443 23,770 22,822 761 14,674 761 15,185 250 - 9,030 250 9,280 9,030	AB t Deliverable / Not Achievable	1	1	1	•	1	1	1		Ī	•	1	1	'	1	-	•	1	
	Total	18,319	5,443	23,770	22,822	761	187	14,674	761			250	•	080'6		9,280		250	

* Total 2018-19 revised savings, £23.762m; - 2018-21 MTFS, £1.758m - 2017-20 MTFS, £20.613m - Historic, £1.391m