



Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 19 September 2018 at 7.00 p.m.

A G E N D A

VENUE

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

Democratic Services Contact:

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Directorate of Governance

Democratic Services
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London E14 2BG

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www.towerhamlets.gov.uk

**TO THE MAYOR AND COUNCILLORS OF THE LONDON BOROUGH OF TOWER
HAMLETS**

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at 7.00 p.m. on **WEDNESDAY, 19 SEPTEMBER 2018**

Will Tuckley
Chief Executive

Public Information

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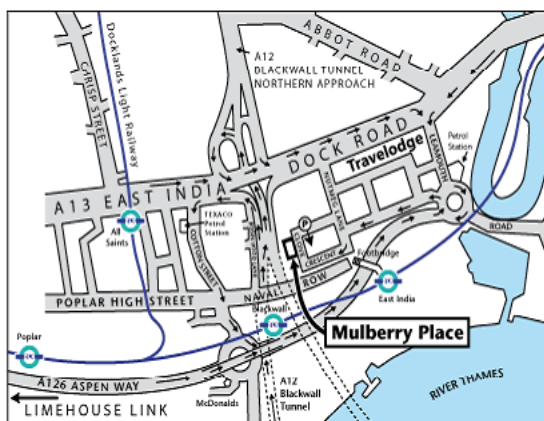
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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL

WEDNESDAY, 19 SEPTEMBER 2018

7.00 p.m.

PAGE
NUMBER

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

7 - 10

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. **MINUTES**

11 - 40

To confirm as a correct record of the proceedings the unrestricted minutes of the Ordinary Meeting of the Council held on 18th July 2018

4. **TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE**

5. **TO RECEIVE PETITIONS**

41 - 46

The Council Procedure Rules provide for a maximum of four petitions to be discussed at an Ordinary Meeting of the Council.

The attached report presents the received petitions to be discussed. Had any additional petitions be received they would have been listed to be noted but not discussed.

6. **MAYOR'S REPORT**

The Council's Constitution provides for the Elected Mayor to give a report at each Ordinary Council Meeting.

A maximum of six minutes is allowed for the Elected Mayor's report, following which the Speaker of the Council will invite the leader of the opposition group to respond for up to two minutes should he so wish.

- 7. ADMINISTRATION MOTION DEBATE** **47 - 48**
- To debate a Motion submitted by the Administration in accordance with Rules 11 and 13 of the Council's Constitution. The debate will last for a maximum of 30 minutes.
- 8. OPPOSITION MOTION DEBATE** **49 - 52**
- To debate a Motion submitted by the Opposition Group in accordance with Rules 11 and 13 of the Council's Constitution. The debate will last for a maximum of 30 minutes.
- 9. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL** **53 - 56**
- The questions which have been received from Councillors to be put at this Council meeting are set out in the attached report. A maximum period of 30 minutes is allocated to this agenda item.
- 10. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**
- 10 .1 Report of Cabinet: Statement of Licensing Policy 2018-2023** **57 - 214**
- To consider the report from Cabinet on the Statement of Licensing Policy.
- 11. OTHER BUSINESS**
- 11 .1 Localism Act 2011 - Appointment of Independent Person** **215 - 218**
- To consider the report of the Corporate Director, Governance and Monitoring Officer on the Appointment of the Independent Person under the Localism Act 2011.
- 12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL** **219 - 222**
- The motions submitted by Councillors for debate at this meeting are set out in the attached report.

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE COUNCIL

HELD AT 7.00 P.M. ON WEDNESDAY, 18 JULY 2018

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

Members Present:

Mayor John Biggs	Councillor Denise Jones
Councillor Faroque Ahmed	Councillor Tarik Khan
Councillor Sabina Akhtar	Councillor James King
Councillor Sufia Alam	Councillor Gabriela Salva Macallan
Councillor Amina Ali	Councillor Eve McQuillan
Councillor Shah Ameen	Councillor Ayas Miah
Councillor Ruhul Amin	Councillor Puru Miah
Councillor Asma Begum	Councillor Abdul Mukit MBE
Councillor Rachel Blake	Councillor Victoria Obaze
Councillor Kevin Brady	Councillor Mohammed Pappu
Councillor Mufeedah Bustin	Councillor Kyrsten Perry
Councillor Kahar Chowdhury	Councillor John Pierce
Councillor Shad Chowdhury	Councillor Leema Qureshi
Councillor Dipa Das	Councillor Zenith Rahman
Councillor David Edgar	Councillor Candida Ronald
Councillor Marc Francis	Councillor Dan Tomlinson
Councillor Peter Golds	Councillor Helal Uddin
Councillor Ehtasham Haque	Councillor Abdal Ullah
Councillor Muhammad Harun	Councillor Motin Uz-Zaman
Councillor Danny Hassell	Councillor Val Whitehead
Councillor Mohammed Ahbab Hossain	Councillor Bex White
Councillor Asma Islam	Councillor Andrew Wood
Councillor Sirajul Islam	

The Speaker of the Council, Councillor Ayas Miah in the Chair

The Speaker of the Council brought the Council up to date with some of his activities since the previous Council meeting.

He advised that he had the honour of attending a wide range of event and engagements. This included

- A number of community Ramadan events.
- Meetings with the new civic heads of the London Boroughs at an induction day in Westminster.
- The first of many Citizenship Ceremonies.
- The Annual Engagement Reception at HMS President.
- The Tower Hamlets Boishakhi Mela. The Speaker thanked the Council and the Mela engagement group for their hard work on the event.

- A TH Arts and Music Education Service Concert.
- A National Democracy week event at the town hall to help young people learn about the democratic processes at the Council.

Turning to the Dementia Friend's programme, the Speaker encouraged everyone to join him in becoming a Dementia Friend. Anyone interested should contact the Speaker's Office.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Rabina Khan

Apologies for lateness were received on behalf of:

- Councillor Puru Miah

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Kahar Chowdhury declared a Disclosable Pecuniary Interest in agenda Item 10.12, a Member Question regarding LBTH Councillor representation on the Poplar HARCA board. This was on the basis that he was the leaseholder owner of a Poplar HARCA property.

Councillor Eve McQuillan declared a non-pecuniary personal interest in agenda item 8, Administration Motion regarding Celebrating 70 Years of The NHS. This was on the grounds that she worked for the Royal College of Psychiatrists.

Councillor Helal Uddin declared a Disclosable Pecuniary Interest in agenda Item 10.12, a Member Question regarding LBTH representation on the Poplar HARCA board. This was on the basis that his employer, the Bromley by Bow Centre, had a working relationship with Poplar HARCA and his wife was a leaseholder owner of a Poplar HARCA property.

Councillor Motin Uz-Zaman declared a non-pecuniary personal interest in agenda item 10.1, a Member Question regarding Grafton House. This was on the grounds that he was a Council appointed Member of the East End Homes Board.

Councillor Bex White declared a non-pecuniary personal interest in agenda item 8 – Administration Motion regarding Celebrating 70 Years Of The NHS. This was on the grounds that her spouse was an NHS GP.

Members declaring Disclosable Pecuniary Interests would be required to leave the room for the duration of the relevant agenda items.

3. MINUTES**RESOLVED:**

1. That the unrestricted minutes of the Extraordinary Council Meeting and the Annual General Council Meeting held on 23rd May 2018 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE

The Chief Executive updated the Council on a number of recent developments. He advised that over the last few weeks, the Council had undergone a Corporate Peer Challenge with the LGA and a review of Planning Services with the Planning Advisory Service and the LGA. Both had gone well. All Members should have received a copy of the feedback from the former and it was expected that the findings of the latter would be available shortly. The Council had been shortlisted for a number of PRCA Communications Awards and had taken steps to appoint a new Divisional Director of Human Resources and Organisational Development. An announcement should be made shortly

Councillor Kevin Brady **moved**, and Councillor Rachel Blake **seconded**, a procedural motion that “Under Procedure Rule 12.1(C), the order of business be changed as set out in the Motion below. The reason for this was to enable the meeting to effectively conduct its business given the need to accommodate a State of the Borough debate in addition to the standard agenda items.

Procedural Motion.

The Council is required by the Constitution to have a State of the Borough Debate at every Annual Meeting. However, in order to accommodate the Freedom of the Borough award at the AGM in May, Council agreed to defer the State of the Borough debate to the July Council meeting.

Therefore in these exceptional circumstances, in order to ensure that the meeting covers the full agenda within the allotted three hours, it is proposed to alter the normal time limits on items of business.

These changes would apply to this meeting (18th July 2018) only.

It is proposed to:

- Suspend council procedural rule 11.5 (e), to reduce the time limit on both the administration and opposition motion from 30 minutes to 15 minutes.

- Suspend council procedural rule 10.12, to reduce the time limit on members' questions, from 30 minutes to 20 minutes.
- Suspend council procedural rule 1.3 (a), to reduce the time limit on the State of the Borough Debate from 1 hour to 40 minutes.

The procedural motion was **agreed**.

5. TO RECEIVE PETITIONS

5.1 Petition regarding STOP Drug Dealing in Batty Street E1

Samran Saleem addressed the meeting on behalf of the petitioners and responded to questions from Members. Mayor John Biggs then responded to the matters raised in the petition. The Mayor noted the issues with ASB and drug dealing in the area and that tackling such problems remained a top priority of the Administration.

He reported that the Council had put in place a number of measures to address such behaviour. This included upgrading CCTV systems in the area, providing new Police Officers and working closely with the Police as part of their Operation Continuum initiative to target drug dealing that had achieved positive results in the area. Furthermore, the Council were looking at further measures to design out problems in the area

RESOLVED:

1. That the petition be referred to the Corporate Director Health, Adults and Community for a written response within 28 days.

5.2 Petition calling on Tower Hamlets Council to repair Frank Dobson Sq Fountain and replace statue

Tara Hudson and others addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing then responded to the matters raised in the petition. He provided an update on the proposals in respect of the site near Frank Dobson square and the plans to refurbish the square and provide a space for public art. Whilst the Council remained committed to refurbishing the square and retaining space for art, there were a number of issues that would need to be given further consideration before the planning proposals could be pursued.

He also stated that he and the Mayor were happy to consider the petitioners specific proposals for the site.

RESOLVED:

1. That the petition be referred to the Acting Corporate Director, Place for a written response within 28 days.

5.3 Petition regarding Divestment from fossil fuels

Jess D'Arcy and others addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Candida Ronald, Cabinet Member for Resources and the Voluntary Sector then responded to the matters raised in the petition. She noted that tackling climate change was one of the most pressing challenges facing the community. To this end, the Council's Pensions Committee had adopted a new Pensions fund Strategy and were considering a range of initiatives to reduce carbon investments, whilst maximising returns.

RESOLVED:

1. That the petition be referred to the Corporate Director, Resources for a written response within 28 days.

5.4 Petition regarding Buxton Street Empty Space

Caroline Hand addressed the meeting on behalf of the petitioners and responded to questions from Members. Councillor Amina Ali, Cabinet Member for Culture, Arts and Brexit then responded to the matters raised in the petition.

She provided an updated on the plans to refurbish the site and Allen Gardens.

Turning to the petition, she expressed concerns about the requests in respect of their business. She advised that should a business wish to operate on Council land, it would need to apply for permission through the appropriate channels.

RESOLVED:

1. That the petition be referred to the Acting Corporate Director, Place for a written response within 28 days.

6. MAYOR'S REPORT

The Mayor made his report to the Council, referring to his written report circulated at the meeting, summarising key events, engagements and meetings since the last Council meeting.

When the Mayor had completed his report and at the invitation of the Speaker, Councillor Peter Golds, on behalf of the Conservative Group Leader, responded briefly to the Mayor's report.

7. STATE OF THE BOROUGH DEBATE

The Mayor gave his address, focusing on past achievements and future priorities including:

- Progress with addressing the housing shortage and providing affordable housing.
- Governance of the Council and effective scrutiny.
- Employment and skills.
- Anti - poverty measures.
- Improving air quality.
- Community Safety.
- Infrastructure improvements.
- Proving high quality Council services.
- Responding to the impact of Brexit and financial challenges.
- The need for the Council to be outward looking organisations.

He also congratulated the new and returning Councillors on their election and stated that he looked forward to working with them in the future.

Councillor Andrew Wood (Leader of the Conservative Group) responded to the Mayor's report. He broadly welcomed the progress that had been made in moving the Council forward. However, he felt that more still needed to be done and that the Council should act more quickly to meet the challenges.

Councillors Mufeedah Bustin, Abdal Ullah, Bex White, Ehtasham Haque, Rachel Blake, Sirajul Islam and Asma Begum also addressed the Council.

They reflected on the Administration's achievements and the need to address the key issues facing the Borough.

In closing, the Mayor summarised his key priorities and responded to the issues raised in the debate.

8. ADMINISTRATION MOTION DEBATE

8 – Administration Motion regarding Celebrating 70 Years Of The NHS

Councillor Denise Jones **moved** and Councillor Eve McQuillan **seconded** the motion as printed in the agenda.

Councillor Andrew Wood **moved** and Councillor Peter Golds **seconded** the following amendment to the motion to be debated as **tabled**:

Insert new item 2

On 10th June 1940 a Committee was appointed by the Coalition Government to report on social insurance and allied services. The report, published in December 1942, identified the five giant evils in society as "Squalor, ignorance, want, idleness and disease." It proposed comprehensive and far reaching solutions to these problems and became a "best seller."

The King's Speech to Parliament on 24 November 1943 said;

"My Ministers will present to you their views and proposals regarding an enlarged and unified system of social insurance, a comprehensive health service and a new scheme of workmen's compensation." (Column 9 Hansard, 24 November 1943)

Insert new item 3

The three major political parties contesting the 1945 election all included comprehensive proposals for Health and National Insurance within their manifesto commitments. That for the Conservative Party said:

"The health services of the country will be made available to all citizens. Everyone will contribute to the cost, and no one will be denied the attention, the treatment or the appliances he requires because he cannot afford them."

Following Labour's victory they were able to implement their manifesto commitments.

Renumber items 2 as item 3 and item 3 as item 4.

Amendment to item 3 under this council further notes (replace with):

During the lifetime of the National Health Service there have been Conservative Governments for 42 years who have, after 1952, always increased expenditure on the Health Service on year on basis and were responsible for launching the post war expansion of new hospitals.

All parties in Government have sought to undertake this, during often turbulent economic circumstances. The exceptional year was during the Labour Government of 1974-79 when in 1977-78, at a time when public spending was being cut as part of the IMF austerity measures, expenditure was reduced.

Amend Item 5 to read (replace with)

The concerns of the East London Health and Care partnership need to be examined and addressed, particularly in light of the recent announcement of the 20 billion health bonus announced by the government.

Delete items 6 and 7.

After "This council believes" delete items 2 and 3.

Amend item 4 to read

This council welcomes the increased funding of 3.4% announced by the Government.

Last sentence

To celebrate the invaluable contribution the NHS and its staff have made over the last 70 years, and to work with colleagues and partners to safeguard the future of the NHS.

Replace with

To celebrate the invaluable contribution the NHS and its staff have made over the last 70 years, and to work with colleagues and partners to ensure that the NHS continues to deliver outstanding care.

Following debate, the above amendment was put to the vote and was **defeated**

The original motion was then put to a vote and was **agreed**.

RESOLVED:

This Council notes that:

1. The National Health Service celebrated its 70th birthday on 5th July 2018.
2. The NHS was founded by a Labour government, with three core principles:
 - a. That it meet the needs of everyone;
 - b. That it be free at the point of delivery;
 - c. That it be based on clinical need, not ability to pay.
3. We are all proud of our NHS, which has made a huge difference to public health and delivered incredible developments in medical science, all but eradicating debilitating diseases like polio and diphtheria and continuing to develop ground-breaking treatments.

This Council further notes:

1. The NHS could not survive without the extraordinary care, skill, compassion and dedication provided by over 1.5 million staff members.
2. The 70th birthday of the NHS is a time to celebrate the massive contribution made by the organisation and its staff, but it is also an important time to look at the future of the NHS, which is seriously threatened.
3. NHS services under successive Tory governments have been pushed to the brink by the biggest financial squeeze in NHS history as well as cuts to public health and social care.
4. The East London Health & Care Partnership, which covers Tower Hamlets, warns that:

In the east London area alone, **there will be a £580m shortfall in funding within four years, by 2021.**

Services and facilities may have to close and standards of care will suffer if not addressed urgently. Change is required, and fast, to help keep us healthy and well in the future and to receive care when we need it.

5. A&Es are overstretched and overcrowded, waiting lists for operations are far too long, and key performance targets are routinely missed.
6. That many staff members feel threatened by Brexit, which is also having a severe impact on the ability of the NHS to recruit much-needed staff from outside the UK.
7. The ongoing campaign to save the NHS, including important contributions from doctors, nurses, patients, other NHS staff members, and campaigners including councillors, trade unions and our local MPs Jim Fitzpatrick and Rushanara Ali.

This Council believes that:

1. The NHS has provided a remarkable public service over the last 70 years, and we must do everything we can to protect it and ensure it can continue to provide world-class care.
2. Our NHS is being failed by the Government, which is not providing adequate funding to match rising demand.
3. Our NHS urgently needs proper investment to address the vast pressure the NHS faces.
4. The Government's recent announcement of an annual 3.4% increase for NHS funding falls short of what is needed – this is an uncosted standstill settlement, with the IFS saying the NHS needs 3.3% just to maintain current levels.

This Council resolves:

1. To celebrate the invaluable contribution the NHS and its staff have made over the last 70 years, and to work with colleagues and partners to safeguard the future of the NHS.

9. OPPOSITION MOTION DEBATE

9 – Opposition Motion by the Conservative Group regarding the Isle Of Dogs & South Poplar Opportunity Area Planning Framework

Councillor Andrew Wood **moved** and Councillor Peter Golds **seconded** the motion as printed in the agenda.

Councillor Rachel Blake **moved** and Mayor John Biggs **seconded** the following amendment to the motion to be debated as **tabled**:

(Deleted text scored out, added text underlined)

The Council notes:

The release of the Isle of Dogs & South Poplar Opportunity Area Planning Framework in May 2018 together with the accompanying Transport Strategy, Local Connections Strategy and the Development Infrastructure Funding Study (DIFS).

This contains the following total forecasts for the number of new homes in the Isle of Dogs and South Poplar area (Poplar, Blackwall & Cubitt Town, Canary Wharf, Island Gardens wards) by 2041.

Low 312,000 (19,500 permitted and 11,500 future potential, with 23,000 existing)

High 387,000 (19,500 permitted and 18,500 future potential, with 23,000 existing)

Maximum 49,000 (19,500 permitted and 29,500 future potential, with 23,000 existing)

Plus 110,000 new jobs in all three options

The Council further notes that in the same area that:

- The draft LBTH Local Plan sets a minimum housing target of 30,601 new homes
- The draft GLA London Plan sets a minimum housing target of 29,000 new homes

That the GLA is responding to the draft LBTH Local Plan evidence by reducing the overall target for new homes in the GLA emerging London Plan.

That development while slowing has not stopped and that ~~new~~ schemes are at pre-application or formal application stage being considered on Poplar high street, Marsh Wall, Skylines, Westferry Printworks, Quay House and that One Housing Group has initiated discussions on potentially re-developing the future of four identified sites on the island, which could involve some re-development.

The Council notes that the Development Infrastructure Funding Study is recommending the following investment in new infrastructure (gross spend).

£'000

<u>By</u>	2017/18	2018/19	2019/20	2020/2021	2021/2022	First five years
<u>Category of Spending</u>						
Utilities	£2,728	£11,088	£8,838	£11,838	£11,838	£46,330
Transport & Local Connections	£139	£9,806	£18,756	£23,830	£17,164	£69,695
Education	£28,946	£28,946	£28,946	£28,946	£28,946	£144,730
Fire, Ambulance, Police, CCTV	£2,930	£0	£0	£0	£0	£2,930
Health	£1,526	£1,526	£1,526	£1,526	£1,526	£7,630
Leisure	£4,764	£4,764	£4,764	£4,764	£4,764	£23,820
Community facilities	£738	£738	£5,411	£5,411	£5,411	£17,709
Total Low	£41,771	£56,868	£68,241	£76,315	£69,649	£312,844
<u>By Priority of Spending</u>						
Critical	£2,450	£17,310	£20,310	£18,185	£20,185	£78,440
Essential	£35,974	£39,141	£47,314	£55,313	£48,147	£225,889
High	£3,347	£417	£417	£917	£417	£5,515
Desirable	£0	£0	£200	£1,900	£900	£3,000
	£41,771	£56,868	£68,241	£76,315	£69,649	£312,844

~~Of note is that most of the 2017/18 spending did not happen and that with the exception of the South Dock bridge none of the 2018/19 spending is underway.~~

That the Council has already identified infrastructure investment in the Isle of Dogs and South Poplar area:

- South Dock Bridge preparation and feasibility
- Crossharbour DLR improvements

The OAPF confirms the following investment is already committed by Transport for London and LB Tower Hamlets:

- New higher capacity DLR trains, running every 2 minutes at peak times
- Bus service and reliability enhancements
- 2018 opening of Elizabeth Line
- Major Capital Investment in Delivering Healthy Streets
- Investing in the Cycle Network and CS3

That the DIFS describes the priorities as follows:

1. Critical enabling. This category includes all infrastructure that is critical to facilitate a development. Without these works development cannot proceed.
2. Essential mitigation. This category includes all infrastructure that we believe is necessary to mitigate the impacts arising from the development.
3. High priority. This category includes all infrastructure that support wider strategic or site-specific objectives which are set out in planning policy but would not necessarily prevent development from occurring, although that would need to be considered on a case by case basis
4. Desirable. This defines all projects that are deemed to be of benefit but would not prevent, on balance, the development from occurring or from being acceptable if they were not taken forward.

That these growth numbers and the infrastructure required are unprecedented within London and therefore require ~~an unprecedented response reminiscent of the London Docklands Development Corporation~~ robust intervention from Local, Regional and National Government to step up to the challenge.

That the Mayor has already established:

- Construction Engagement Forum on the Isle of Dogs
- Framework for allocating infrastructure funding

That the Neighbourhood Plan for the Isle of Dogs was recommended for refusal by an Independent Examiner because of a 'fundamental flaw in the plan' where 'the infrastructure evidence is simply not robust or proportionate to support a key policy'.

The Council therefore calls on the Mayor to:

- Respond to the GLA's Opportunity Area Planning Framework consultation setting out preferred terms of an LBTH Delivery Board.
- Work with the GLA to identify maximum feasible delivery resources for infrastructure in the Isle of Dogs and South Poplar Area for the benefit of current and future residents.
- Work with the GLA family, Developers and Utilities providers to ensure that disruption caused by construction is minimised for current and future residents

- Continue to monitor the evidence base for the infrastructure need for the Isle of Dogs and South Poplar Area.
- ~~Set up the recommended LBTH Delivery Board which will include the GLA, TfL, developers and representatives from the community~~
- ~~Set up the Community Development Panel who will nominate representatives to sit on the main LBTH Delivery Board~~
- ~~Set up the recommended dedicated Delivery Team whose sole responsibility will be to deliver infrastructure / projects as outlined in the documents~~
- ~~Set up the Utility Providers Forum~~
- ~~Set up the Developer Forum~~
- ~~Establish a Construction Charter~~
- ~~Initiate the recommended Future Studies (p119 of the OAPF) which the GLA describe as urgent~~

In addition, if the Critical Enabling works described as “Without these works development cannot proceed,” are not undertaken then new planning applications be refused on the grounds of cumulative over-development.

The amendment was put to the vote and **agreed**.

The motion as amended was put to the vote and was **agreed**.

RESOLVED

The Council notes:

The release of the Isle of Dogs & South Poplar Opportunity Area Planning Framework in May 2018 together with the accompanying Transport Strategy, Local Connections Strategy and the Development Infrastructure Funding Study (DIFS).

This contains the following total forecasts for the number of new homes in the Isle of Dogs and South Poplar area (Poplar, Blackwall & Cubitt Town, Canary Wharf, Island Gardens wards) by 2041.

Low 31,000 (19,500 permitted and 11,500 future potential, with 23,000 existing)

High 38000 (19,500 permitted and 18,500 future potential, with 23,000 existing)

Maximum 49,000 (19,500 permitted and 29,500 future potential, with 23,000 existing)

Plus 110,000 new jobs in all three options

The Council further notes that in the same area that:

- The draft LBTH Local Plan sets a minimum housing target of 30,601 new homes
- The draft GLA London Plan sets a minimum housing target of 29,000 new homes

That the GLA is responding to the draft LBTH Local Plan evidence by reducing the overall target for new homes in the GLA emerging London Plan.

That development while slowing has not stopped and that schemes are at pre-application or formal application stage on Marsh Wall, Skylines, Westferry Printworks, Quay House and that One Housing Group has initiated discussions on the future of four identified sites on the island, which could involve some re-development.

The Council notes that the Development Infrastructure Funding Study is recommending the following investment in new infrastructure (gross spend).

£'000

<u>By</u>	2017/18	2018/19	2019/20	2020/2021	2021/2022	First five years
<u>Category of Spending</u>						
Utilities	£2,728	£11,088	£8,838	£11,838	£11,838	£46,330
Transport & Local Connections	£139	£9,806	£18,756	£23,830	£17,164	£69,695
Education	£28,946	£28,946	£28,946	£28,946	£28,946	£144,730
Fire, Ambulance, Police, CCTV	£2,930	£0	£0	£0	£0	£2,930
Health	£1,526	£1,526	£1,526	£1,526	£1,526	£7,630
Leisure	£4,764	£4,764	£4,764	£4,764	£4,764	£23,820
Community facilities	£738	£738	£5,411	£5,411	£5,411	£17,709
Total Low	£41,771	£56,868	£68,241	£76,315	£69,649	£312,844
<u>By Priority of Spending</u>						
Critical	£2,450	£17,310	£20,310	£18,185	£20,185	£78,440
Essential	£35,974	£39,141	£47,314	£55,313	£48,147	£225,889
High	£3,347	£417	£417	£917	£417	£5,515

Desirable	£0	£0	£200	£1,900	£900	£3,000
	£41,771	£56,868	£68,241	£76,315	£69,649	£312,844

That the Council has already identified infrastructure investment in the Isle of Dogs and South Poplar area:

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The Council therefore calls on the Mayor to:

- Respond to the GLA's Opportunity Area Planning Framework consultation setting out preferred terms of an LBTH Delivery Board.
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- Work with the GLA family, Developers and Utilities providers to ensure that disruption caused by construction is minimised for current and future residents
- Continue to monitor the evidence base for the infrastructure need for the Isle of Dogs and South Poplar Area.

In addition, if the Critical Enabling works described as "Without these works development cannot proceed," are not undertaken then new planning applications be refused on the grounds of cumulative over-development.

10. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL

The following questions and in each case supplementary questions were put (except where indicated) and were responded to by the Mayor or relevant Executive Member-

10.1 Question from Councillor Dan Tomlinson

Can the Mayor or Cabinet Member please update Council on the Grafton House fire?

Response of Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing.

A fire broke out on the 12th floor of Grafton House, in Mile End on the 29 June. The fire was effectively contained and extinguished by the London Fire Brigade. No residents were injured during the incident.

Grafton House was fully refurbished by Eastend Homes approximately ten years ago. This included a rendered cladding refit.

The Fire Brigade reported that the fire started in the kitchen, there is extensive damage in the flat where the fire occurred. The fire brigade is satisfied the fire doors did their job effectively in containing the fire and were happy with the established fire procedures. The fire did not move beyond the flat where it started.

We would like to thank the Fire Brigade for their speed in resolving this issue and will continue to work in partnership with them over their full fire assessment of Grafton House.

Eastend Homes have been advised by the fire brigade in the briefing immediately after the fire that the cause originated in the kitchen and was accidental.

Supplementary question from Councillor Tomlinson:

What has happened to the residents that have had to be moved out of their properties. Have they been rehoused yet?

Councillor Islam's response to the supplementary question:

Yes, I am pleased to say the family where the fire occurred were offered permanent accommodation and they have accepted that offer.

10.2 Question from Councillor Peter Golds:

Will the Mayor confirm what discussions the administration and council have had with the Royal Borough of Greenwich with regard to proposed changes in the bye laws of the Greenwich Foot Tunnel and the clean air concerns arising from cruise ships moored close to residential areas of the Isle of Dogs.

Response of Mayor John Biggs:

I met with Denise Hyland who was then Leader of Greenwich in the autumn of 2017 to discuss with officers Enderby Wharf and one or two other issues. We then wrote to her. Present at that meeting was Councillor Danny Thorpe, who is now the Leader of Greenwich Council. It is fair to say that Councillor Denise Hyland was relatively more positive about the cruise island terminal than Councillor Thorpe and I welcome his change on that. We have written to him again as the new Leader encouraging progress on that.

You asked a second question about the foot tunnel. My personal view is that I am not supportive of changing the bye laws of the foot tunnel. I know that Greenwich Council are. But because it's a bye law change it does not come to me, but to Full Council who will debate this issue and will decide when it does come, whether they want to support a change in the bye laws.

Supplementary question from Councillor Golds:

I am delighted to know that at last we are actually speaking to Greenwich, because under the previous administration, I went several times to licensing and planning committee meetings and was very well received by Greenwich Council but the situation was that our Officers and the previous administration took no interest what's so ever.

I understand that the decision on the cycling and the foot tunnel, will be a decision for this Council, but could you perhaps give an indication as to what your views would be and whether you have made your views clear to Greenwich and have had any input into the submission that would come to us? They have certainly had my views on it as I attended the Cabinet meeting.

Mayor Biggs' response to the supplementary question:

On the foot tunnel, I think I have made my views clear but it is for the Council to decide. I think it is a tripartite decision, because it is a bye law affecting both the Woolwich Foot Tunnel and the Greenwich Foot Tunnel, so we will see what happens when it arrives. With regards to the discussions with Greenwich, it is interesting to note that since I was first elected and since the beginning of time, Docklands and the Borough were referred to as having three neighbours in Tower Hamlets. These were: Hackney, City of London and Newham. I have introduced the novel concept that we are also neighbours with Southwark, Lewisham and Greenwich. I think as the world has changed, it was perhaps a forbidding barrier, but they are now very much our neighbours and we work closely with them on issues where we need to.

10.3 Question from Councillor Asma Islam:

How many members of staff at Greenwich Leisure Limited will benefit from the Mayor's negotiations with GLL to bring forward the London Living Wage for 18-21 year olds?

Response of Councillor Amina Ali, Cabinet Member for Culture, Arts and Brexit:

I am very pleased that Greenwich Leisure Limited staff aged 18-21 would now be paid the London Living Wage (LLW), effective immediately. We are very proud that Tower Hamlets Council is a Living Wage employer.

As part of the process of securing LLW accreditation, it was agreed with the Living Wage Foundation, that the Council could not retrospectively impose LLW on existing contracts. The GLL contract was one of these contracts, which was up for renewal in 2019.

While we could not legally force GLL to increase their pay levels, after negotiations we have secured an agreement with them to pay their 18-21 year old staff London Living Wage from this September. As a result, 34 GLL employees will benefit.

Supplementary question from Councillor Islam:

As part of the negotiations, is any part of that payment going to be backdated?

Councillor Ali's response to the supplementary question:

Although the Council cannot subsidise private employers to pay fair wages, because GLL is providing a frontline council service and in the interests of fairness, the Mayor instructed in this exceptional case, that the council provides the funding to allow GLL to backdate this pay increase to April this year so it matches the date that LLW was introduced for GLL's 21 plus staff.

10.4 Question from Councillor Andrew Wood

When the Sea Scouts arrived on the Isle of Dogs they had 13.4 hectares of water to sail in, currently they have 4.7 ha. In the event of the proposed South Dock Bridge being built this will be reduced to 3.15 ha. The existing space is already negatively affected by wind-flow off the new Wood Wharf buildings. What steps will the Council undertake to ensure that the community does not lose this valuable organisation?

Response of Councillor Rachel Blake, Deputy Mayor and Cabinet Member for Regeneration and Air Quality:

Council Officers are already meeting with the Sea Scouts to discuss this matter.

Supplementary question from Councillor Wood:

The reason why I asked this question is that I have discovered that the Council had not bothered to consult the Sea Scouts before the public consultation for the new South Dock Bridge and I know that they feel very unloved now by the Council. They don't get any s106 and they don't get any grants. They have been negatively impacted by wind flow and the loss of water space. So I think if we can show them some love this would be very much appreciated. Would you be doing that?

Councillor Blake's response to the supplementary question:

We will continue to meet and liaise with them. I have already started looking into the issue to understand exactly which parts of their activities they are most concerned about. There was a public consultation and they were part of that consultation. We are more than happy to continue that engagement.

10.5 Question from Councillor Mufeedah Bustin

Following recent incidents, what is the council doing to tackle ASB and crime in Island Gardens?

Response of Councillor Asma Begum, Deputy Mayor and Cabinet Member for Community Safety and Equalities:

The Council ASB Team received two reports of anti-social behaviour in Island Garden Ward, around Blasker Walk and Thames Pathway. The ASB is primarily caused by young people congregating around the benches, drinking, using nitrous oxide and being noisy. To address the issues, my team have taken a number of steps:

- An ASB Caseworker has been allocated to investigate this issue and identify possible resolutions.
- The Metropolitan Police Safer Neighbourhood Team have been made aware of this issue and have been asked to patrol the area.

- The ASB Team have also established a Joint Action Group (JAG) for the Isle of Dogs which enables the Council to develop actions in partnership with local RSL's

Supplementary question from Councillor Bustin:

Do you know anything about the opening of the St Andrew's Youth Service?

Councillor Begum's response to the supplementary question:

Yes I have been meeting up with the youth providers last week and I am aware of it.

10.6 Question from Councillor Marc Francis:

Will the Lead Member for Finance update me on the progress of the review of the changes to the local Council Tax Reduction Scheme?

Response of Councillor Candida Ronald, Cabinet Member for Resources and the Voluntary Sector:

The Mayor and Cabinet have been looking in detail at the current local Council Tax reduction scheme and possible changes and hopefully improvements. We have developed potential options to refine elements of the scheme, particularly in relation to the disabled, non - dependents and the self-employed. Any potential changes would be subject to a full public consultation and a report has just been published and would be considered by Cabinet next week and would go out to consultation. The feedback from the consultation would be incorporated into another report, to be considered by Cabinet probably in October. Any proposed changes would come to this Council for agreement.

Supplementary question from Councillor Marc Francis:

Can I thank the Lead Member for that very positive response and can I thank the former Lead Member, Councillor Edgar for his work on this issue and taking on board the concerns that I have raised, particularly in relation to disabled non -dependants, whose head of the household are being hit as a result of the inclusion of disability living allowance or personal independence payments in the income assessment. Looking at the report that's going to Cabinet next week, I am not entirely clear what proposal is going to be agreed, but I look forward to that.

I also think that it is very important to bear in mind that there are continuing concerns about the self -employed claimants and the impact that they are experiencing due to the use of the minimum income floor. I also have to raise concerns about the continuing use of Section 13A for relief from Council tax bills as opposed to the establishment of a proper hardship fund.

Can the Lead Member take all of these concerns on board and continue with all the good work she is doing to minimise some of the unfortunate impacts that arise as a result of previous changes?

Councillor Ronald's response to the supplementary question:

Thank you for your comments.

10.7 Question from Councillor Sabina Akhtar:

Can the Mayor or Lead Member please provide an update on the recent drug raids and how successful these raids have been?

Response of Councillor Asma Begum, Deputy Mayor and Cabinet Member for Community Safety and Equalities:

Under Operation Continuum, four areas of the borough have been targeted so far – Shadwell, Stepney, Bow and Whitechapel. Their work has resulted in dawn raids leading to:

- 150 arrests.
- 34 properties being raided.
- £58,000 seized in cash under the Proceeds of Crime Act.
- Recovered 2 handguns.
- 4 weapons sweeps.
- 93 ASB warnings.
- 41 Section 59 warnings
- Seized drugs including crack cocaine and 200 ecstasy pills
- Seized over £10,000 in cash in one raid alone

The council and THH then provide a wrap-around support. THEOs patrol the area. Graffiti is removed and overgrown areas where weapons or drugs might be hidden are cut back.

Meetings with residents are arranged to provide updates of the outcomes from the joint operation.

Supplementary question from Councillor Akhtar:

Since they have been successful, are we planning to continue?

Councillor Begum's response to the supplementary question:

Absolutely.

10.8 Question from Councillor Ehtasham Haque:

Can the Cabinet Member provide an update on the latest Ofsted monitoring visit?

Response of Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People:

Ofsted visited the Council at the beginning of May and the focus of the inspection was around vulnerable adolescents, so they were looking at children at risk of criminal exploitation, sexual exploitation and going missing. They looked at a range of areas - that they also looked at in December 2017.

I am pleased to say that Ofsted reported that there had been a substantial improvement in the quality of practice with this group of exploited children and their families.

They looked at the co – location of a multi - agency team. Our new exploitation hub, which included Police and staff tackling some of these issues. They reported a renewed focus on children as victims of exploitation, rather than criminalising their behaviour and they stated that this is leading to an enhanced understanding of the circumstances and the analysis of risk. They said that social workers, and this is very important, have a proper understanding of children's lived experience.

We are not complacent and we know that there are challenges that remain. We will continue to work with various agencies to continue to improve our services for our most vulnerable young people.

No supplementary question was asked.

10.9 Question from Councillor Kevin Brady:

How many children and families are using our children's services following the recent changes?

Response of Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People:

I'm pleased to say that our children's centres are now reaching far more adults and children than previously. Our centres saw a total of over 53,000 contacts in quarter 1 of this year alone. In that first quarter, we reached over 5,000 children under five living in the Borough which is a fantastic achievement. In 2017, we had 10,000 children who were reached and 76% of those were from the 25 most deprived areas in the Borough.

Supplementary question from Councillor Brady:

Can the Lead Member update us on the number of sessions that children are attending or are available?

Councillor Danny Hassell's response to the supplementary question:

I know there were some concerns about the number of sessions being delivered in our children centres. If we look at comparing our sessions to 2015/16, before the changes we made recently, there were around 2800 sessions in our children's centres. I am pleased to report that in this first quarter of this financial year, there have been 3741 sessions delivered in our children's centres. That is an important improvement that will help us to reach our families including our most deprived families.

10.10 Question from Councillor John Pierce:

Will the Mayor consult residents on the parking times for the Council's A5 parking zone in Weavers Wards, to mirror those in Shoreditch, to stop our residential streets being used as a car park for Hackney's visitors?

Response of Mayor John Biggs:

This is a major priority area for the administration to look at reviewing our range of parking policies and parking hours and the way in which it works. I know that this is going to be a bit like negotiating a crocodile filled swamp.

In answer to your question, the controlled parking zone times in this area has hours of 08:30 – 19:00 Mon – Fri, which is 30 minutes longer than Hackney and 08:30 – 14:00 on Sunday, where there are no restrictions in Hackney. The only possible impact could be on a Saturday where they have enforcement and we don't. But I think that does not really answer your question. The problem we have is that there a massive demand for parking, particularly at weekends in this area and a shortage of parking spaces.

The review I would like us to carry out in consultation with residents is about how we should amend our parking policies to make them work better for the people in Tower Hamlets without having untoward knock on effects. In this case, we would need to work with Hackney.

Supplementary question from Councillor Pierce:

I think the figures the Mayor has is in regard to the wider Hackney parking order rather the specific area of Shoreditch. I am sure it goes up until midnight and this is what the residents have asked for. There will be a petition coming to this Council and I hope the Mayor can support that.

Mayor Biggs' response to the supplementary question:

I am very happy to look at that. We have commenced a number of further consultations. It has taken a while to get them started in the Fish Island Area. If there are local reasons for changing the hours I would very happy to do that. For every change although, you will find there are objections and we need to get that balance right and manage the convenience of life including economic life in the area.

10.11 Question from Councillor Puru Miah:

Would the lead member support calls for the bus stop in front of Altab Ali Park, called Adler Street, to be renamed as Altab Ali Park?

Response of Councillor David Edgar, Cabinet Member for Environment:

The legacy of Altab Ali is a really important one. It really matters that we never forget the tragic loss of his life and that we maintain the fight against racism. It is fitting to have the park named after Altab Ali and that we pay tribute each year. Renaming that bus stop will be another way we could remember him and pay tribute to him. As we all know, the naming of bus stops is a responsibility of the Transport for London (TFL), but I would be happy to write to TFL and to the Assembly Member for the area, to add my support and the Councils support to this campaign. It would be really good if we could make that change and I am very happy to support it and do what I can to make it happen.

No supplementary question was asked.

10.12 Question from Councillor Muhammad Harun:

I understand that due to non-attendance of members during the previous Mayors administration, Poplar HARCA discontinued our membership from their boardroom. Will the Mayor explain whether it is still possible to include our members on the Poplar HARCA board to represent LBTH – if so could the Mayor take appropriate steps?

Response of Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing:

It is shameful that members of the previous administration failed to turn up to meetings. Poplar HARCA confirmed that one of a number of the considerations in making changes in 2014 was the attendance record of Council nominees.

In 2014 Poplar HARCA amended its Articles of Association to change the make-up of its Board. This resulted in the London Borough of Tower Hamlets no longer having a nominee place on the Board.

The anticipated de-regulatory changes recently implemented through the Housing and Planning Act 2016, are designed to prevent local authorities having significant influence over RP Board decision-making process. Poplar HARCA is required to comply with the Regulator of Social Housing's Governance Standard. The Regulator recently re-confirmed Poplar HARCA had the highest governance grade.

Poplar HARCA openly advertises Board vacancies. It welcomes applications from Councillors, and anyone else, interested in, and qualified. I am very happy to take up this matter with Poplar HARCA

No supplementary question was asked.

Question 10.13 was not put due to lack of time. A Written response would be provided to the questions. (Note the written response is included in Appendix A to these minutes.)

11. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

11.1 Report of Overview and Scrutiny Committee, Annual Report of the Overview and Scrutiny Committee

Councillor Abdal Ullah (Chair of the Overview and Scrutiny Committee), presented the Committee's Annual Report for 2017-18.

Following debate, the recommendations were put to the vote and were **agreed**.

RESOLVED

1. That the contents of the Annual Report of the Overview and Scrutiny Committee for 2017-18 be noted.
2. That the specific equalities considerations as set out in Paragraph 4 be noted.

12. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS/EXTERNAL ORGANISATIONS (IF ANY)

There was no business to transact under this agenda item.

13. OTHER BUSINESS

13.1 Overview and Scrutiny Committee - Appointment of Co-Opted Members

The Council considered a report proposing the appointment of a number of Co-Optees to the Overview and Scrutiny Committee.

The recommendations were put to the vote and were **agreed**.

RESOLVED

1. That the following co-optees of the Overview and Scrutiny Committee be approved:
 - 1.1 Dr Philip Rice as the Church of England diocese representative;
 - 1.2 Joanna Hannan as the Roman Catholic diocese representative;
 - 1.3 Muhammad Khoyrul Shaheed as the Muslim faith representative; and

- 1.4. Neil Cunningham; Ahmed Hussain and Fatiha Kassouri as parent governor representatives.
2. That the appointments above will take effect immediately and will be reviewed following the Council elections in May 2022 (or such earlier date as required).

14. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

14.1 Motion regarding the Grenfell Tower response

Councillor Sirajul Islam **moved** and Mayor John Biggs **seconded** the motion as printed in the agenda.

Following debate, the motion was put to a vote and was **agreed**.

RESOLVED:

This Council notes:

1. The catastrophic Grenfell Tower fire disaster which broke out on 14th June last year in Kensington and Chelsea which killed 72 people.
2. The causes of the fire are still being investigated but it is strongly believed that the fire spread so rapidly because of Aluminium Composite Material (ACM) cladding that was found on the outside of the building.
3. In the immediate aftermath of the fire, Tower Hamlets Council gave significant support to Kensington and Chelsea including seconding staff to the borough to provide assistance.
4. Despite Government promises to the contrary, according to media reports many of those made homeless by the tragedy have yet to be permanently rehoused over a year on from the disaster.

This Council also notes:

1. At the time of the Grenfell fire, THH and the council had already completed new Fire Risk Assessments on all of its 900 Tower Hamlets Homes (THH) blocks.
2. The council provided support to RPs and private landlords to test and replace cladding on tower blocks in the borough, including Randall House (a PFI scheme), which had a small amount of category 3 ACM which was quickly replaced.
3. In the Budget this year the Mayor, Council and THH agreed a significant programme of investment, committing £26.8m in new fire protection works with the aim of reducing the fire risks in THH properties even further over the next four years.

4. The Mayor and council have consistently lobbied Government to secure funding for cladding replacement costs and that it took almost a year for the Government to agree to do so but that this funding does not cover private blocks, of which there are many in Tower Hamlets, and does not cover councils to install sprinkler systems in high rise blocks to further reduce fire risks.

This Council resolves:

1. To support the Grenfell Public Enquiry and to call on Government to fully fund councils and the Fire Brigade to implement its recommendations.
2. To continue to lobby Government for funding to install sprinkler systems in high rise residential blocks and to provide support to leaseholders and tenants in private blocks where cladding needs to be removed.

(Motion 14.2 was not debated due to lack of time)

The meeting ended at 10.05 p.m.

Speaker of the Council

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APPENDIX A – WRITTEN RESPONSES TO QUESTIONS THAT WERE NOT PUT AT THE FULL COUNCIL MEETING (18th JULY 2018)

10.13 Question from Councillor Rabina Khan

Will the Mayor privatise the 3 council run nurseries?

Response

The Cabinet recently agreed to go out to consultation on the phased closure of the 3 local authority day nurseries (LADNs). The consultation will run for an extended period until Monday 10th September.

There are 3 key reasons behind the proposals: fairness, cost and quality.

These 3 day nurseries can provide day care to fewer than 100 children, of the approximately 7,000 who currently receive day-care or nursery education.

It is the local schools which pay for most of the nursery costs and they will be withdrawing their funding from September of this year. This means that the council would have to pay the full £1.66m cost.

We don't feel that it would be the right decision to cut other services to pay for the nurseries, especially when fewer than 100 children go to these nurseries in a borough where there are 22,000 under 5s.


Further, each of these places is very expensive. Our Early Years Budget has around £1,700 for every child under-5 in the borough – and yet these 3 nurseries receive a public subsidy of around £15,000 per child. We don't think this is fair.

It is proposed that the children are found places at nearby nurseries and specialist services will be developed at an 'Outstanding' Nursery School for deaf children. We will also bring forward other proposals to support the expansion of good quality child care and early years provision.

The Mayor has also pledged to a number of other targets to improve the scope and amount of under-5s provision, for example with extended days and improved premises. These matters and others will be discussed at an 'Early Years Summit' in the autumn.

We must not lose sight of the fact that the Conservative Government has dramatically slashed funding for the council, for early years, and for schools (including our 6 'Outstanding' Nursery Schools – different from LADNs). School funding is under critical threat, and our schools desperately need to be properly funded.

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<p>Non-Executive Report of the:</p> <p>Council</p> <p>19 September 2018</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance</p>	<p>Classification: Unrestricted</p>
<p>Petitions to Council</p>	

<p>Originating Officer(s)</p>	<p>Matthew Mannion, Committee Services Manager, Democratic Services.</p>
<p>Wards affected</p>	<p>All wards</p>

SUMMARY

1. This report sets out the valid petitions submitted for presentation at the Council meeting on Wednesday 19 September 2018. The texts of all petitions received for presentation to this meeting are set out in the attached report.
2. The Council's Constitution provides for up to four petitions to be heard at each ordinary Council meeting. These are taken in order of receipt, except that petitions for debate (those in excess of 2,000 signatures) will take precedence. Should more than four petitions be received, all remaining petitions will be listed to be formally noted by Council.
3. For Petitions listed as for debate:
 - a. Petitioners may address the meeting for no more than 3 minutes.
 - b. Members may then question the petitioners for a further 4 minutes.
 - c. The petition will then be debated by Councillors for a maximum of 15 minutes. All speeches are limited to a maximum of 3 minutes. During his or her speech, any Councillor may move a motion for the Council's consideration relevant to matters in the petition (this does not require the suspension of the Council Procedure Rules).
 - d. The speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the petition for up to 3 minutes.
 - e. Following the petition debate, any motions moved will be put to the vote in the order they were tabled.

- f. If no motion is agreed, the petition will stand referred to the relevant Corporate Director for a written response within 28 days of the meeting.
4. For Petitions listed as to be heard:
 - a. Petitioners may address the meeting for no more than 3 minutes.
 - b. Members may then question the petitioners for a further 4 minutes.
 - c. Finally, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the petition for up to 2 minutes. The petition will then be referred to the relevant Corporate Director for attention who will provide a written response within 28 days of the date of the meeting.
5. Members, other than a Cabinet Member or Committee Chair responding at the end of the item, should confine their contributions to questions and not make statements or attempt to debate.
6. For Petitions listed as to be noted, petitioners may not address the meeting. The Speaker will state where they will go for a full response.
7. Responses to all petitions will be sent to the lead petitioner and displayed on the Council's website.

PETITIONS FOR DEBATE

No petitions for debate had been received by the petitions deadline.

PETITIONS TO BE HEARD

5.1 Petition regarding Glyphosate/Roundup (From Geoffrey Juden and others)

We the undersigned petition the council to ban the use of Glyphosate/Roundup within parks and gardens of Tower Hamlets. Glyphosate/Roundup is being banned in many countries around the world. France being the last country to ban this toxic herbicide, Glyphosate/Roundup being a known cancer inducing agent.

Glyphosate, the active ingredient in Monsanto's Roundup, is the most heavily used agricultural chemical of all time. It's a mind-boggling amount of usage for one agricultural chemical, and it was only a matter of time before the wide-reaching environmental and public health implications became apparent.

Monsanto advertised Roundup as "biodegradable" and "environmentally friendly," even going so far as to claim it "left the soil clean" — until they were found guilty of false advertising. Now it's showing up in people, at alarming levels, with unknown effects on human health.

Researchers tested urine levels of glyphosate and its metabolite aminomethylphosphonic acid (AMPA) among 100 people living in Southern California over a period of 23 years — from 1993 to 2016. The prevalence of human exposure to glyphosate increased by 500 percent during the study period while actual levels of the chemical, in ug/ml, increased by a shocking 1,208 percent.

It's unknown what this means for human health but, in 2017, separate research revealed that daily exposure to ultra-low levels of glyphosate for two years led to non-alcoholic fatty liver disease (NAFLD) in rats. Researchers stated that the glyphosate levels revealed by their JAMA study were 100-fold greater than those detected in the rat study.

More information on its effect on health can be found here:

<https://www.youtube.com/watch?v=YEjpkx3KBAC>

GM campaigners have stated:

“This is the first study to longitudinally track urine levels of glyphosate over a period before and after the introduction of GM glyphosate-tolerant crops. It is yet another example illustrating that the vast majority of present-day Americans have readily detectable levels of glyphosate in their urine, ranging from 0.3 parts per billion, as in this study, to ten times higher – 3 or more parts per billion – detected by others.

These results are worrying because there is increasing evidence to show that exposure to glyphosate-based herbicides below regulatory safety limits can be harmful.”

Concerns over glyphosate's toxicity have been mounting since the International Agency for Research on Cancer's (IARC) 2015 determination that glyphosate is a "probable carcinogen." As of July 2017, California's Environmental Protection Agency's Office of Environmental Health Hazard Assessment also listed glyphosate as a chemical known to cause cancer.

5.2 Petition regarding a people's vote on the final Brexit deal (From John Shore and others)

We the undersigned demand that our Tower Hamlets Mayor fulfils this manifesto promise, campaigns for a second vote and Tower Hamlets council passes a motion to support a Peoples Vote the final Brexit deal including the opportunity to vote on Remaining in the EU.

Its two years since the Brexit vote and the Government still has no satisfactory Brexit plan. Since the vote we have gone from the top of the G7 for economic growth to the bottom.

For communities up and down the country, jobs and businesses are under threat and it is absolutely right for local authorities to be making a stand on

their behalf.

Councils in Swansea and Hammersmith and Fulham have already passed motions calling on for a Peoples Vote on the final Brexit deal, In the 2018 Mayoral manifesto John Biggs stated:

"We will campaign for a referendum on the final terms of any Brexit deal, so that local people are able to express their view on the future of this country" We the undersigned demand that our Tower Hamlets Mayor fulfils this manifesto promise, campaigns for a second vote and Tower Hamlets council passes a motion to support a Peoples Vote the final Brexit deal including the opportunity to vote on Remaining in the EU.

5.3 Petition asking Tower Hamlets Council to Please welcome child refugees (From Rachel Ellman and others)

We the undersigned petition the council to We the undersigned petition the Council to provide 10 places for child refugees per year, over the next 10 years. This year is the 80th Anniversary of the Kindertransport, the scheme through which Britain welcomed 10,000 child refugees over 2 years. This anniversary marks the best of what Britain is about and is particularly to be celebrated here in Tower Hamlets, as the Kindertransport trains arrived on our doorstep, at Liverpool Street Station. As part of this anniversary, a national campaign, led by Lord Alf Dubs, himself a Kindertransport child, is calling on Central Government to start a fully-funded scheme for 10,000 child refugees to be resettled in the UK over the next 10 years. Councils up and down the country have already begun to commit places for children. We call on Tower Hamlets Council to show leadership on this issue by matching the commitment made by Hammersmith and Fulham, who have already committed 10 places per year for refugee children.

Why Tower Hamlets?

Tower Hamlets has a long and proud history of providing refuge. We would like to thank Tower Hamlets Council for their ongoing commitment to refugees, including the brilliant recent work they have done in resettling 5 Syrian families through the Vulnerable Persons Resettlement Scheme.

Funding for this resettlement programme would come from central government, not from Council budgets. However, as a community we will work to support the Council's capacity to resettle refugee children, in any way we can.

The petition organisers are a group of local volunteers, brought together by Safe Passage: safepassage.org.uk

Why is the Kindertransport anniversary campaign needed?

There are currently more than 25 million refugees worldwide, the vast majority

of them hosted by developing countries and fewer than 1% by the UK. Over half the world's refugees are children. You can learn more at <http://www.unhcr.org/uk/figures-at-a-glance>.

The Kindertransport anniversary campaign is not asking the UK to take more refugees than the UNHCR will ask them to anyway, but simply to ensure that 1000 places per year are provided specifically for children.

No child should have to live out their childhood in appalling conditions in a refugee camp or war zone, or have to risk their life to reach sanctuary. Yet many will spend their entire childhoods away from home, sometimes separated from their families.

When doors are being closed to refugees across the world, it is more important than ever that we play our small part, in the UK and here in Tower Hamlets.

5.4 Petition regarding the provision of proper basketball facility in Millwall Park (From a number of local residents)


We the undersigned petition the Council to invest in a proper basketball facility in Millwall Park, which is locked at night so that the community can make use of the court and residents can have a peaceful night.

PETITIONS TO BE NOTED

None.

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Agenda Item 7

Non-Executive Report of the: COUNCIL 19 September 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Motion for debate submitted by the Administration	

Originating Officer(s)	Matthew Mannion, Committee Services Manager, Democratic Services.
Wards affected	All wards

SUMMARY

1. Council Procedure Rule 11 allows for time at each Ordinary Council meeting for the discussion of one specific Motion submitted by the Administration. The debate will follow the rules of debate at Council Procedure Rule 13 and will last no more than 30 minutes.
2. The motion submitted is listed overleaf. The Administration Motion is submitted by the Labour Group.
3. Motions must be about matters for which the Council or its partners has a direct responsibility. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. Notice of any proposed amendments to the Motions must be given to the Monitoring Officer by Noon the day before the meeting.

MOTION

Set out overleaf is the motion that has been submitted.

7 – Administration Motion regarding Brexit

Proposer: Councillor Amina Ali
Seconder: Mayor John Biggs

This Council notes that it is now over two years since the Brexit vote and the Government still has no satisfactory Brexit plan. Since the vote we have gone from the top of the G7 for economic growth to the bottom. For communities up and down the country, jobs and businesses are under threat and it is absolutely right for local authorities to be making a stand on their behalf.

This Council also notes that the Tower Hamlets Labour manifesto 2018 included a pledge to *“campaign for a referendum on the final terms of any Brexit deal, so that local people are able to express their view on the future of this country.”*

This Council further notes:


- Communities in Tower Hamlets have benefited from significant EU funding in recent years through the European Regional Development Fund and the European Social Fund. The borough currently receives £2.6 million towards initiatives to improve the local economy, development, infrastructure, employment and training.
- More than one in seven residents in our borough, some 41,000 people, are from the remaining 27 EU states. They play a valued role in one of the country’s most diverse and inclusive communities.
- The uncertainty and potential impact of Brexit on our businesses. In Canary Wharf, each day 120,000 people work in 37 office buildings alongside 300 shops, cafes and restaurants. Further, Brexit will hit many small businesses, with almost 99% of the 16,800 firms based here employing fewer than 250 people.

This Council believes that the white paper confirms the government intends to leave the customs union and lose access to the single market for services, which account for 80% of the UK economy. As a result, the Withdrawal Agreement will fail to meet Labour’s six tests, specifically the test that any deal must deliver the “exact same benefits” we have as full members of the EU.

This Council also notes that the Mayor has established a Brexit Commission, chaired by Cllr Amina Ali, to lead local preparations for the UK’s departure from the European Union.

This Council calls on the Government to abandon any plans for a hard Brexit and to give the British people a People’s Vote on the final Brexit deal, along with the opportunity to vote on keeping the many benefits Britons enjoy by staying in the European Union.

Agenda Item 8

Non-Executive Report of the: COUNCIL 19 th September 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Motion for debate submitted by an Opposition Group	

Originating Officer(s)	Matthew Mannion, Committee Services Manager, Democratic Services.
Wards affected	All wards

SUMMARY

1. Council Procedure Rule 11 allows for time at each Ordinary Council meeting for the discussion of one Motion submitted by an Opposition Group. The debate will follow the rules of debate at Council Procedure Rule 13 and will last no more than 30 minutes.
2. The motion submitted is listed overleaf. In accordance with Council Procedure Rule 11, submission of the Opposition Motion for Debate will alternate in sequence between the opposition groups. This Opposition Motion is submitted by the Conservative Group.
3. Motions must be about matters for which the Council or its partners has a direct responsibility. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. Notice of any proposed amendments to the Motions must be given to the Monitoring Officer by Noon the day before the meeting.

MOTION

Set out overleaf is the motion that has been submitted.

8 – Opposition Motion by the Conservative Group - regarding anti-social behaviour & crime in Tower Hamlets

Proposer: Councillor Andrew Wood

Seconder: Councillor Peter Golds

The Council Notes:

The results of the 2018 Tower Hamlets Annual Residents' Survey show that the top concern for residents was crime with 41% concerned. Only 48% rated Policing as excellent, very good or good, the lowest rating of the subjects surveyed. 60% felt drug use or drug dealing issue was a big problem.

It is clear that residents are deeply concerned about the impact of ASB and drug dealing on their neighbourhoods.

We have four core problems as regards ASB and the issues that affect people's quality of life

1. Reporting difficulties leading to frustration from residents and probably under reporting
2. The use of NOX canisters and the limited means the Police have to control their use
3. The distribution of CCTV cameras with heavy concentrations in some areas and few elsewhere
4. There being different processes and contact methods for different issues which affect residents, a noticeable example being the 7 different steps in the Councils 'Who do I call Crime & ASB reporting in TH' flowchart or the flowchart used by Limehouse SNT mapping all of the different contact methods.
5. That the council requires a 1-page flowchart (with links to other information) to document the information indicates that there is a communication problem.

Given the reductions in Police numbers and funding we need to find ways of using the resources we have more effectively.

The main method for reporting ASB is the 101 service but this has fundamental problems:-

- It can be difficult to get through especially at night
- It is one dimensional and cannot easily be use it to share locations, video or photographs.
- It does not record other quality of life issues, in particular noise
- It's lack of integration frequently results in SNT teams requiring residents to report issues twice:
 - Firstly on 101 to get a CAD reference
 - Secondly, to the SNT via email or their own phone perhaps using WhatsApp to share photos

Tower Hamlets is disproportionately dependent on the 101 service unlike our neighbours who usually provide other methods for reporting ASB.

Examples are:-

- Newham residents are able to call their Enforcement and Safety Team on a 24 hour number. There is also an online reporting tool.
- Greenwich residents are able to report non-urgent incidents to the Anti-Social Behaviour Team by email and phone number.
- Southwark residents have access to an Antisocial Behaviour Unit contactable by telephone or email
- Hackney residents have an ASB team for streets, public spaces and parks contactable by phone and email

Other London Boroughs also have online reporting forms prominently displayed when residents undertake an internet search on the boroughs name and ASB.

Tower Hamlets by contrast provides no central email address or phone number to call and only has an online reporting form at the very bottom of a long web-page.

This may explain why the Borough Commander's report for 2016 showed Tower Hamlets had the worst rates of ASB in East London.

This Council therefore proposes the following:

1. The establishment of a 247 phone service together with a central email address for all ASB and quality of life related issues
2. This service to be fully integrated, dealing with noise and other related issues to ensure that residents only need to know just one number/one email
3. The Police agree that ASB reported to the Council is included in any allocation of resources to ensure that residents do not have to also call 101 in order to secure the allocation of Police resources to their area
4. The development of an online tool + app allowing residents to report a range of issues online. This could be based on the 'MyStreet' App rolled out in Sunderland this year. Other possibilities are the FiFiLi app, OWL. The council could simply buy the license for 'My Street' which would be the equivalent of an online One Stop Shop for quality of life issues. As with FiFiLi this would have the ability to tag precise locations on a map and to share photographs.

These solutions will:

Ensure that residents have the ability to share precise locations, videos, pictures across multiple platforms but that it would all go to same place.

That easily obtained software solutions which are now available will help integrate and share this data with partners

The Council notes:

That the Labour manifesto for 2014 pledged "A 24hr noise and ASB hotline to help tackle rising crime – Nuisance noise doesn't sleep, that's why Labour will introduce a 24h hotline to report noise and anti-social behaviour at weekends to ensure people's complaints are addressed."

By instituting proposals outlined above will reduce pressure on the 101 service, allow the collection of more data, reduce the frustration residents feel as they have multiple methods for reporting issues and provide the council and partners with more intelligence as where to focus necessary activities.

The Council resolves to follow the example of Labour controlled Lambeth Council and:

Implements its Public Space Protection Order for Novel Psychoactive Substances, which allows Police Officers, PCSO's and THEO's to issue fines up to £1,000 per incident Borough wide. The order prohibits the "ingestion, inhalation, injection, smoking, possession or otherwise use of intoxicating substances" in public spaces. The order also provides powers to stop the selling or supply of intoxicating substances.

Such has been the success in Lambeth that the council is now extending their PSPO for another 3 years having first introduced it in 2015

This, if introduced in Tower Hamlets will provide the Police and Council with more tools to combat the young men often in cars who litter our streets as they party.

The council notes that:

The Psychoactive Substances Act came into effect in May 2016 and makes it illegal to sell or import Nitrous Oxide for human consumption (exempting medical supply). However, the use of Nitrous Oxide, as opposed to the import and sale of nitrous oxide remains legal. Equally whilst driving when intoxicated may result in fines or a custodial sentence, Nitrous Oxide is not one of the drugs with a specified limit within the Road Traffic Act.

The legal situation with regard to Nitrous Oxide remains confused which is why the adoption of a targeted Public Space Protection Order while we work alongside our local MP's and Ministers, London Councils and the Local Government Association for an enforceable solution to this ongoing problem

This council institutes a review of the current CCTV and lighting network.

The Council rightly highlights on its social media the successes the cameras have had in arrests (3 a day). Those areas with little or no CCTV feel left out. Criminals and boy racers know where the holes are in the CCTV network i.e. Limehouse Op Naga or Wapping High Street. Temporary cameras can help but the Borough has changed a great deal in the last 15-30 years but that the locations of our CCTV cameras has not followed to the same extent. Given the S106 and CIL resources the council has in the bank, it should also be possible to add new cameras as well.

The council calls upon the further use of LED bulbs would also help reduce costs and improve visibility on our streets.

The council notes that Norfolk County Council have recruited local residents as unpaid Police Support Volunteers to help with CCTV monitoring. This would be an opportunity for Tower Hamlets residents to take part in assisting the fight against ASB.

<p>Non-Executive Report of the:</p> <p>Council</p> <p>19th September 2018</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance</p>	<p>Classification: Unrestricted</p>
<p>Questions submitted by Members of the Council</p>	

Originating Officer(s)	Matthew Mannion, Committee Services Manager, Democratic Services.
Wards affected	All wards

SUMMARY

1. Set out overleaf are the questions that were submitted by Members of the Council for response by the Mayor, the Speaker or the Chair of a Committee or Sub-Committee at the Council meeting on Wednesday 19th September 2018.
2. In accordance with Council Procedure Rule 9.4, questions relating to Executive functions and decisions taken by the Mayor are put to the Mayor unless he delegates such a decision to another Member, who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.
3. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. Council Procedure Rule 10.7 provides for an answer to take the form of a written answer circulated to the questioner, a reference to a published work or a direct oral answer.
5. There is a time limit of thirty minutes at the Council meeting for consideration of Members' questions with no extension of time allowed and any questions not put within this time are dealt with by way of written responses.
6. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

MEMBERS' QUESTIONS

15 questions have been received from Members of the Council as follows:-

9.1 Question from Councillor Val Whitehead

Can the cabinet member please update the council on what further steps will be taken to improve services and support for our children who are looked after, following the latest Ofsted monitoring visit?

9.2 Question from Councillor Peter Golds

In 2016 the Mayor of London pledged to plant 2,000,000 trees across the Capital during his period of office. Will the Mayor inform the council as to how many of the 42 trees pledged to be planted each and every day in Tower Hamlets have actually been planted, or as in the case of the Isle of Dogs have been planted and then left to wither and die?

9.3 Question from Councillor Muhammad HM Harun

Langdon Park has two pedestrian pathways starting from the Station. The pathway ending at Chadbourn Street has no lighting at all. Many residents, particularly women, have raised the lack of lighting with me and an ME response I received highlighted that lighting would be difficult to install given the difficult budget circumstances. Would the Mayor be willing to look at this particular situation to see what can be done?

9.4 Question from Councillor Andrew Wood

Will the Mayor explain why the Council is so poor at communication?

9.5 Question from Councillor Eve McQuillan

Can the mayor confirm that action has been taken to fix the CCTV on the Bancroft estate, given residents' concerns about crime in the area?

9.6 Question from Councillor Kevin Brady

Given the potentially devastating financial implications for local businesses if the Network Rail sale of railway arches goes ahead, what has the council done to stand up for business tenants that use the arches, and to challenge Network Rail's rent increases?

9.7 Question from Councillor Sabina Akhtar

Could the Lead Member please report on the progress of the Local Plan Examination in Public?

9.8 Question from Councillor Puru Miah

Can the lead member please give me an update with regards to Council plans to introduce loading bays in the south east side, outside Ghandi Oriental Foodstore, in Mile End Ward.

9.9 Question from Councillor Bex White

Could the Cabinet Member report on the successful bids for the Mayor's Air Quality Fund?

9.10 Question from Councillor Marc Francis

Will the Lead Member for Environmental Services clarify how many disabled people had their Personalised Disabled Parking Bay removed under the revised eligibility criteria introduced by the former Mayor and Lead Member in 2014, and how many of those residents have had their bay reinstated since those criteria were set aside in early 2018?

9.11 Question from Councillor Victoria Obaze

Can the Mayor please provide an update on the delivery of affordable and social housing in the borough?

9.12 Question from Councillor Abdul Mukit

What steps are being taken by the Council to prevent ASB problems in the Weavers area?

9.13 Question from Councillor James King

When will the council be making environmental improvements to tackle anti-social behaviour at the southern end of Three Colt Street in Limehouse?

9.14 Question from Councillor Kahar Chowdhury

With the recent approval of planning application of Chrisp Street Market Regeneration, will Mayor John Biggs use his best endeavours to canvass options of increasing the quota for social housing?

9.15 Question from Councillor Rabina Khan

Can Mayor Biggs explain what is his definition of building council homes as promised in his election manifesto?

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Decision Report Cover Sheet: Council 19 September 2018	
Report of: Ann Sutcliffe, Acting Corporate Director, Place (Cover Report of: Matthew Mannion, Committee Services Manager)	Classification: Unrestricted
Report of Cabinet: Statement of Licensing Policy 2018 - 2023	

Originating Officer(s)	David Tolley, Head of Environmental Health and Trading Standards (Matthew Mannion, Committee Services Manager (Cover Report))
Wards affected	All Wards

Summary

At the meeting of Cabinet held on 25 July 2018, the Mayor considered the attached report on the Statement of Licensing Policy.

The decisions taken by the Mayor at that meeting were as follows:

1. To agree the submission of the Statement of Licensing Policy to full Council for adoption.
2. 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.


The report is therefore presented here for consideration by Council. The documents are the same as those presented to Cabinet except that the track changes in the Statement of Licensing Policy (Appendix 5 to the attached report) have been accepted to present the proposed final version of the document.

Recommendations:

The Council is recommended to:

1. Agree the Statement of Licensing Policy 2018 – 23

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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 Published	29 May 2018
Reason for Key Decision	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:-

- 1 To agree the submission of the Statement of Licensing Policy to full Council for adoption.
- 2 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. DETAILS OF THE REPORT

- 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.
 - 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.

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

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

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.

Increase the voluntary consultation area: 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.

Touting: 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.

Street Furniture: 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.

Cumulative Impact Zones (CIZ): 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.

Late Night Refreshment Exemption: 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

- 6.1 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
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Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
Statement of Licensing Policy Review: Cabinet Paper agreeing the extent of the consultation	David Tolley, Head of Environmental Health and Trading Standards ext 6724 http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=720&MId=7701

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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:
 - i. Newham & Stratford Recorder
 - ii. Hackney Gazette
 - iii. Southwark News
 - iv. City Matters
 - v. Metro (London)
 - vi. Greenwich info mercury package local council

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Appendix: Two

Statement of Licensing Policy Review Consultation – Additional Comments Received Via Letter/Email/Meetings

Please note however that some of these respondents may also have completed the online survey as well.

1. 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 checked for 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 expected to comply with the premises licence conditions as a 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

Question: Do you agree the current Cumulative Impact Zone should remain in place around Brick Lane?

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 people
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 people
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 position 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	Licensing Authority should be in capitals at start of each word.
Page 0	Add: Front page with LBTH Logo and “Effective 1 st 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.” 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.”	Out of date information

	Amend Para. 8: “ <i>You will Find</i> ” ¶there is more detailed information about the four themes, and how they support One Tower Hamlets at: <i>“http://www.towerhamlets.gov.uk/lgnl/community_and_living/community_plan/strategic_plan.aspx”</i>	
Page 3 Para. 1.1	Delete first sentence of Para. and replace with: 1.1 <i>“The London Borough of Tower Hamlets is the Licensing Authority under the Licensing Act 2003 (the Act). It is responsible for granting premises licences; club premises certificates; temporary events notices, in respect of the provision of licensable activities; and personal licences in the Borough.</i> <i>The term ‘Licensing Authority’ will be used in all future references to ‘the London Borough of Tower Hamlets’ in this Statement of Licensing Policy.</i> <i>All references to the Secretary of State’s Guidance relate the statutory guidance to the version published by the Home Office under s.182 of the Act on the 6th April 2017. A copy of this version is available at www.gov.uk.</i>	Improve clarity.
Page 3	Add second para – 1.2 and move and amend list from para 1.1 as below: 1.2 <i>This policy is intended to provide clarity to applicants, ‘other persons’ and ‘responsible authorities’ on how this Licensing Authority will determine applications for the following licensable activities:</i> <ul style="list-style-type: none"> • <i>Retail sale of alcohol</i> • <i>Supply of alcohol to club members</i> • <i>Provision of regulated entertainment (as defined in Schedule 1 of the Act)</i> • <i>Supply of hot food and / or drink between 23:00 and 05:00 hours”</i> 	Improve clarity.

<p>Page 3 Para 2.1 and 2.2</p>	<p>Delete paras and replace as below:</p> <p><i>“2.1 This ‘Statement of Licensing Policy’ was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State’s Guidance issued under Section 182 of the Act.”</i></p> <p><i>2.2“The 2003 Act requires that the Licensing Authority, after consultation, adopts and publishes a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively.”</i></p>	<p>Improve clarity on Licensing Authority’s application of the policy.</p>
<p>Page 3 Para. 3.1</p> <p>Please note this is Page 4 on the New Policy Doc</p>	<p>Delete para and replace as below:</p> <p><i>“Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are:</i></p> <ul style="list-style-type: none"> <i>• the Chief Officer of Police,</i> <i>• the Fire Authority,</i> <i>• representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough</i> <i>• such other persons considered to be representatives of business and residents in the area.</i> <p><i>The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.”</i></p>	<p>Out of date and improve clarity of content</p>

<p>Page 3 Para. 3.2</p> <p>Please note this is Page 4 on the New Policy Doc</p>	<p>Change “Council” for “<i>Licensing Authority</i>”, and after the word “organisations” add in “, <i>and other key stakeholders</i>”.</p>	<p>Clarity and improvement</p>
<p>Page 3 Para. 3.3</p> <p>Please note this is Page 4 on the New Policy Doc</p>	<p>Change “Council” for “<i>Licensing Authority</i>” and delete “<i>by the Council</i>” at the end of the para.</p>	<p>Clarity and improvement</p>
<p>Page 4 Para. 4.8</p> <p>Please note this is Page 5/6 on the New Policy Doc</p>	<p>Delete para and replace with: “<i>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.</i>”</p>	<p>Improve wording to fit in with current Home Office Guidance definitions.</p>
<p>Page 5 Para. 4.9</p> <p>Please note</p>	<p>Delete and replace with: “<i>In relation to all applications where the Licensing Authority’s discretion is engaged it will consider the direct impact of the activities taking place at the licensed premises on</i></p>	<p>Better information and clarity</p>

<p>this is Page 6 on the New Policy Doc</p>	<p><i>members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.”</i></p>	
<p>Page 5 Para. 4.11</p> <p>Please note this is Page 6 on the New Policy Doc</p>	<p>Delete para. and amend para number accordingly (para 4.12 becomes 4.11)</p>	<p>Correct to the right numbered paras</p>
<p>Page 5 Para. 4.11</p> <p>Please note this is Page 6 on the New Policy Doc</p>	<p>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: <i>“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.”</i></p>	<p>Improve clarity and update as per guidance/legislation (“other persons”) and clarity on when conditions can be added.</p>
<p>Page</p>		
<p>Page 5 Para 4.13</p> <p>Please note this is Page 6 on the New Policy Doc</p>	<p>Change Para to 4.12 and all others below this move up by one figure.</p>	<p>Take account of changes</p>
<p>Page 5 Para.</p>	<p>After the word “application” replace “must” with “will”.</p>	<p>Improve clarity.</p>

<p>4.13</p> <p>Please note this is Page 6 on the New Policy Doc</p>	<p>After the word conditions replace the word “or” with “<i>and</i>”.</p>	<p>Correct wording/Para No.</p>
<p>Page 5 Para. 4.14 (now para 4.13)</p> <p>Please note this is Page 7 on the New Policy Doc</p>	<p>After the word “considering” delete “these conditions” and add: <i>“the addition of conditions consistent with applicant’s operating schedule,”</i></p> <p>After “the Licensing Authority” add “<i>will ensure that such conditions are enforceable and proportionate.</i>”</p> <p>Delete: “primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.”</p>	<p>Improve Clarity and consistency with Home Office Guidance</p>
<p>Page 6 Para. 4.19 (now para 4.18)</p> <p>Please note this is Page 8 on the New Policy Doc</p>	<p>Delete “Consultation with local residents”, Add: “<i>Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents</i>”</p> <p>Delete. “about a premises or club which is applying for a licence is carried out by the business which is applying for the licence. Notification of applications under the Licensing Act 2003 is limited” Add: “<i>This statutory consultation requires</i>”</p> <p><i>After the word “advertisement”, Add: “of the application”</i></p> <p>After the word “premises” deleted “both done by the applicant”, Add: “<i>Failure to adhere</i>”</p>	<p>Improve clarity</p>

	<i>to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period.”</i>	
Page 6 Para. 4.20 (now para 4.19) Please note this is Page 8 on the New Policy Doc	After the word “Authority”, delete “has determined”; Add: “ <i>will</i> ” and Delete: “to itself”.	Better clarification of Licensing Authority’s voluntary consultation.
Page 7 Para. 4.21 (no para 4.20) Please note this is Page 8 on the New Policy Doc	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.
Page 7 Para. 4.22 (now para 4.21) Please note this is Page 8 on the New Policy Doc	Delete para and replace with: <i>“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.”</i>	Better clarification of Licensing Authority’s voluntary consultation.
Page 7 Para.	Capitalise the “a” of Authority.	Correct as per Home

<p>5.3</p> <p>Please note this is Page 9 on the New Policy Doc</p>	<p>After the word “responsible” delete the word “authorities” and add the word “<i>authority</i>”.</p>	<p>Office Guidance.</p>
<p>Page 8/9</p> <p>This will become section 6</p> <p>Please note this is Page 10 on the New Policy Doc</p>	<p>Add these new paras.</p> <p><i>“Home Office as a Responsible Authority</i></p> <p><i>From 6th April 2017 the provisions of Immigration Act 2016 which relate to Licensing became effective. These provisions amend the Licensing Act 2003 making the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State’s behalf. For contact details please see the list of Responsible Authorities in Appendix 1.</i></p> <p><i>When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.</i></p> <p><i>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).</i></p> <p><i>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.</i></p>	<p>Addition in light of the Immigration Act 2016, which came into force on 6th April 2017.</p>

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

	<p><i>end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.</i></p> <p><i>The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:</i></p> <ul style="list-style-type: none"> • <i>An enforcement operation or data sharing that identifies a relevant offence,</i> • <i>The issue of a civil penalty for employing illegal workers,</i> • <i>The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.”</i> 	
Para Number Change	Change Para numbers to 7 from this point.	Insertion of Immigration section above.
Page 8/9 Para 6.2 (now para 7.2) Please note this is Page 11/12 on the New Policy Doc	<p>Between the words “crime and disorder” and “objective”, add “<i>licensing</i>”.</p> <p>The sentence starting with “Where”, after this word Delete: “Crime Prevention Officer”</p> <p>After the word “Police” Add “, <i>acting as a responsible authority</i>”</p> <p>After the word “recommendations” Add: “<i>in respect of an application</i>” the Delete: “for premises that relate”. Following this Add: “<i>relating</i>”</p> <p>After the word “objectives” Add: “<i>the Licensing Authority would expect the applicant to incorporate these into their</i>”.</p>	Improve clarity and update.
Page 9 Para. 6.4 (now para 7.4)	At end of sentence Add: “ <i>and to share prescribed information</i> ”	

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 Doc	Delete “Section 182 of the Licensing Act 200 (See Appendix 2.)” and replace with “ <i>the Secretary of State’s Guidance</i> ”.	Update to correspond with earlier changes and improve clarity
Page 9 Para. 6.7 (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): <i>“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.</i> <i>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:-“</i>	Change to correct to current data.
Page 10 Paras 6.8 and 6.9 Please note	Delete paragraph 6.8 and replace with: <i>“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</i>	Improve flow.

<p>this is Page 13 on the New Policy Doc</p>	<p><i>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.</i></p> <p>Move paragraph 6.8 and 6.9 to page 16 below paragraph 10.3 (Prevention of Public Nuisance section).</p>	<p>These are related to this section and not Crime and Disorder.</p>
<p>Page 10 Para. 6.10 (now 7.8)</p> <p>Please note this is Page 13 on the New Policy Doc</p>	<p>After the words "Portman Group" Add: "<i>Code of Practice</i>". Last sentence after the words "schemes can make" Delete "to achieving" and Add: "<i>in promoting</i>"</p> <p>Second paragraph after the words "from the" Delete: "Licensing Act 2003, Section 182 Guidance are", Add: "<i>the Secretary of State's Guidance</i>".</p>	<p>Update Clarity</p> <p>Correction to correspond to earlier changes</p>
<p>Page 10 Para. 6.11 (now 7.9)</p> <p>Please note this is Page 13/14 on the New Policy Doc</p>	<p>Delete paragraph and replace with below:</p> <p><i>"Criminal Activity</i> - <i>There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:</i></p> <ul style="list-style-type: none"> • <i>for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;</i> • <i>for the sale and distribution of illegal firearms;</i> • <i>for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;</i> • <i>for the illegal purchase and consumption of alcohol by minors which impacts on the</i> 	<p>More consistent with Home Office Guidance.</p>

	<p><i>health, educational attainment, employment prospects and propensity for crime of young people;</i></p> <ul style="list-style-type: none"> • <i>for prostitution or the sale of unlawful pornography;</i> • <i>by organised groups of paedophiles to groom children;</i> • <i>as the base for the organisation of criminal activity, particularly by gangs;</i> • <i>for the organisation of racist activity or the promotion of racist attacks;</i> • <i>for employing a person who is disqualified from that work by reason of their immigration status in the UK;</i> • <i>for unlawful gambling; and</i> • <i>for the sale or storage of smuggled tobacco and alcohol.</i> <p><i>The Secretary State’s Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.”</i></p>	
Page 10 Paras. 6.12, 6.13, and 6.14	Delete paragraphs.	Not consistent and in keeping with Home Office Guidance.
Page 10 Para. 6.15 (now 7.10) Please note this is Page	Delete: “advice provided in the guidance issued by the Home Office under section 182 of the Act” Add: “ <i>Secretary of State’s Guidance</i> ”. Add second new Para: “ <i>From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from</i>	Consistency with other policy amendments. Reflect changes to legislation

14 on the New Policy Doc	<p><i>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.”</i></p>	This was moved up after consultation
Page 11 Para 6.16 Please note this is Page 15 on the New Policy Doc	<p>Move “Smuggled Goods” to sit above para 6.16 (now 7.12)</p> <p>Para 6.16 1) At the end of the sentence after the word “delivery” Add: “<i>to provide traceability</i>”.</p>	Clarity on the reasons.
Page 11 New Paras. Please note this is Page 15/16 on the New Policy Doc	<p>After Para 6.16 on Smuggled goods, Add:</p> <p>“<i>Olympic Park – Football Ground</i></p> <p>7.13 <i>Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:</i></p> <p>1) <i>On Match Days for premises licensed for the supply of alcohol for</i></p>	Updated to take account of West Ham United having Olympic Park as Home Ground.

	<p><i>consumption on the premises:</i></p> <p><i>a. Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.</i></p> <p><i>b. Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s)."</i></p>	<p>Changed as per Environmental Comments in Consultation</p>
All	<p>Replace all "interested party" with "other persons"</p>	<p>Up to date term of reference as per Home Office Guidance and legislation amendments</p>
<p>Pages 12 to 15</p> <p>Please note this is Page 17 to 20 on the New Policy Doc</p>	<p>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.</p>	<p>Improve flow and clarity</p>
<p>Page 12, Para 7.3 (now 18.3)</p> <p>Please note this is Page</p>	<p>After the word "one" Add: "<i>or more</i>".</p>	<p>Correct terms as per Act and Guidance.</p>

38/39 on the New Policy Doc		
<p>Page 13 Para 7.8 (now 18.8)</p> <p>Please note this is Page 39 on the New Policy Doc</p>	Delete the word "five" and Add the word "three"	Update as to New Home Office Guidance and Legislative changes from the Policing and Crime Act 2017 Affective from 25/04/2018
<p>Page 13 Para 8 (no 19)</p> <p>Please note this is Page 40 on the New Policy Doc</p>	After the words "Brick Lane" Add " <i>and Bethnal Green</i> "	Clarify as now 2 CIZs
<p>Page 13, Para 8.1 (now 19.1)</p> <p>Please note this is Page 40 on the</p>	<p>After the words cumulative impact policy Add the words "<i>for the Brick Lane area</i>".</p> <p>After the word "Council Add "<i>and came into effect on 1st November 2013</i>"</p>	Clarify as now 2 CIZs Update.

New Policy Doc		
<p>Page 13</p> <p>Please note this is Page 40/41 on the New Policy Doc</p>	<p>After Para 8.2 (now 19.2) Add below Para: This to delete previous reviewed para 8.3 below:</p> <p>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</p> <p>This para now becomes 8.3</p> <p><i>“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.</i></p> <p><i>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.”</i></p>	<p>Updated following CIZ consultation in 2018 on keeping the CIZ and adopting Bethnal Green CIZ.</p>
All	Change all Para Numbers as per the insert of above.	Flow

pages/paras		
<p>Page 13 para 8.3 (now 19.4)</p> <p>Please note this is Page 41 on the New Policy Doc</p>	<p>After Authority is Delete the word “now”.</p> <p>Add an “s” to the Word “Figure” and add after the word “One “and Two”.</p> <p>After the words “cumulative impact zone Add “within these areas”. After this sentence</p> <p>Add the following sentence:</p> <p><i>“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.”</i></p> <p>Change to para 8.4</p>	<p>Updates following adoption of Bethnal Green CIZ.</p>
<p>Page 14, Para 8.4</p>	<p>THIS HAS NOW BEEN DELETED WITH PARA AS PER BELOW.</p> <p>At the end of the second sentence after the word “refused” Add: “by the Licensing Sub-Committee”</p>	<p>Clarity</p>
<p>Page 14, Para 8.4</p> <p>Please note this is Page 41/42 on the New Policy Doc</p>	<p>Delete para 8.4 and replace with following paras:</p> <p>19.5 <i>“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:</i></p> <ul style="list-style-type: none"> • <i>New Premises Licences applications,</i> • <i>New Club Premises Certificates applications</i> • <i>Provisional Statements,</i> • <i>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).</i> <p><i>The Licensing Authority expects such applications to have regard for and make reference to the CIZ.</i></p>	<p>Changes post consultation to make CIZ Policy clearer.</p>

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.*

	<p><i>Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:</i></p> <ul style="list-style-type: none"> • <i>small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours</i> • <i>premises which are not alcohol led and operate only within Framework Hours, such as coffee shops</i> • <i>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.</i> <p><i>Examples of factors the Licensing Authority will not consider as exceptional include:</i></p> <ul style="list-style-type: none"> • <i>that the premises will be well managed and run</i> • <i>that the premises will be constructed to a high standard</i> • <i>that the applicant operates similar premises elsewhere without complaint.”</i> 	
<p>Page 14, Para 8.5</p>	<p>Delete “Figure One”</p>	<p>No reference given in police to meaning of figure one.</p>
<p>Page 14 Para 8.5 (now 19.10)</p> <p>Please note this is Page 43 on the</p>	<p>After Para 8.5 in Bold font after word “Brick Lane” Add: “<i>and Bethnal Green</i>”</p>	<p>New adopted CIZ</p>

New Policy Doc		
<p>Page 14</p> <p>Please note this is Page 44 on the New Policy Doc</p>	<p>After Para 8.5 make para below the heading mentioned above para 8.6 (this will change after paras are correctly amended).</p> <p>In this para after and “s” to the word “Zone” and Delete “is” and replace with “are”. Add an “s” to the word “map”.</p> <p>Delete the sentence after the word “below”.</p>	Take account of new adopted CIZ in Bethnal Green
Page 15	Replace Map with clearer CIZ Map showing zone and add “ <i>Figure One – Brick Lane CIZ</i> ”	Clarity
<p>After page 15</p> <p>Please note this is Page 46 on the New Policy Doc</p>	Add “ <i>Figure Two – Bethnal Green CIZ</i> ” and add map of zone.	Update after adoption of Bethnal Green CIZ
<p>Page 15 Section 8 Public Safety</p> <p>Please note this is Page 21 on the New Policy Doc</p>	This now becomes section 8 and all sections beyond this increase accordingly.	Take note of move of Sections 7 and 8.
<p>Page 15</p> <p>Please note</p>	<p>After Para 9.6 (now 8.6) Insert following Para:</p> <p>8.7 “<i>One of the Council’s Community Safety Partnership Priorities is tackling</i></p>	Response from Community Safety during consultation.

<p>this is Page 21 on the New Policy Doc</p>	<p><i>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:</i></p> <ul style="list-style-type: none"> • <i>Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,</i> • <i>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.</i> <p><i>The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above."</i></p> <p><i>Amend numbering of para's below this accordingly.</i></p>	
<p>Page 16, para 9.4 (now para 8.8).</p>	<p>After the word "attaching" Add "<i>proportionate and appropriate</i>".</p> <p>After the words "Conditions drawn from" Delete: "a" and Add: "<i>the</i>".</p> <p>After the words "Pool of Conditions" Delete: "as proportionate and appropriate are contained in Appendix 2" and Add: "<i>found in the Secretary of States Guidance</i>"</p>	<p>Clarity and flow more in line with Home Office Guidance and better not to include Home Office Pool conditions as Appendix but refer to Home Office website as these could change in the course of 5 years.</p>
<p>Page 16 para 10 (now 9)</p>	<p>Add the word "<i>Public</i>" before the word "Nuisance"</p>	<p>Correction to be consistent with guidance/legislation.</p>

<p>Please note this is Page 22 on the New Policy Doc</p>		
<p>Page 16 para 10.3 (now 9.4)</p>	<p>After word “Identified on 3rd line Delete “8.2” and Add: “Section 18 of this Policy (Special Cumulative Impact Policy for Brick Lane and Bethnal Green Area)”</p> <p>After the word “Conditions” last line Add: “<i>found in the Secretary of States Guidance</i>”</p>	<p>Changes in light of the move of the CIZ section Change to reflect removal of Home Office modal conditions as an appendix.</p> <p>Take account of new adopted Bethnal Green CIZ.</p>
<p>Page 16</p> <p>Please note this is Page 22 on the New Policy Doc</p>	<p>Add new paragraphs as per below:</p> <p>“</p> <p style="padding-left: 40px;">9.4 Street Furniture – <i>placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.</i></p>	<p>Additional paragraphs to take account of these issues.</p>

	<p>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."</p>	
<p>Page 16 Para 11.1 (now 10.1 etc.)</p> <p>Please note this is Page 23 on the New Policy Doc</p>	<p>After sentence ending with the word "entertainment" Add the following:</p> <p><i>"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."</i></p> <p>Then Add new para below (9.2):</p> <p>10.2 "Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:</p> <ul style="list-style-type: none"> • <i>Understand that there are criminal offences in relation to sexual exploitation of a child,</i> • <i>Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;</i> • <i>Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report</i> 	<p>Comment from Community Safety regarding CSE.</p>

	<i>concerns to.</i>	
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: <i>"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"</i>	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: <i>", Fixed Penalty Notices (FPNs) or formal cautions"</i> .	Fixed Penalty Notices and formal cautions should be considered as these are enforcement actions.
Page 18 Para. 11.8 (now 10.9) Please note this is Page 24 on the New Policy Doc	End of the sentence after the word "Bulletin" Add: <i>"by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale"</i> .	Provide clarity for the reasoning of the para.
Page 18 Para. 11.9	End of the sentence after the word "harm" Add new sentence: <i>"This will require operating plans to specify these measures and management controls"</i>	Improve policy to make more robust in

<p>(now 10.10)</p>	<p><i>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.</i></p>	<p>terms of what is expected in terms of protection of children from harm.</p>
<p>Page 18</p> <p>Please note this is Page 25/26 on the New Policy Doc</p>	<p>After Para. 11.10 add following paragraphs:</p> <p><i>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.”</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>Firm up the Licensing Authority’s approach to protection of children in line with Corporate Strategy.</p> <p>Additions due to consultation response from Trading Standards</p>

	<p>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.”</p> <p>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:</p> <ol style="list-style-type: none"> 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) Please note this is Page 27 on the New Policy Doc	After the word "conditions" Add: <i>that can be found</i> , then after the word "in" Add: " the Secretary of State's Guidance and Delete Appendix 2	Update.
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 " <i>Policy</i> ". After the sentence ending in "framework hours" Delete "It only has any application when the", and Add " <i>This only applies where the Licensing Authority's</i> ". Then Delete "of the local authority".	Improve flow and clarity
Page 20 Para. 15.4 (now 14.4) Please note this is Page 28 on the	Add "(30 minutes)" after the word "hours" (last line).	Clarity.

New Policy Doc		
<p>Page 23 para 17.5 (now 16.5)</p> <p>Please note this is Page 31 on the New Policy Doc</p>	<p>Delete para and replace with:</p> <p><i>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.</i></p>	<p>This makes the distinction between Licensing and Planning regulatory systems clearer, and ensure that applicants seek planning consent prior to application for licence.</p>
<p>Page 24 Para. 17.9 (now 16.9)</p> <p>Please note this is Page 31 on the New Policy Doc</p>	<p>Delete Website link and Add:</p> <p><u>http://www.towerhamlets.gov.uk/lgnl/environment_and_planning/planning/Planning.aspx</u></p>	<p>Correct website address.</p>
<p>Page 24 Paras. 17.11 to 17.18</p> <p>Please note this is Page</p>	<p>Delete these paragraphs.</p>	<p>Late Night Levy adopted on 1st January 2018 and new Policy will have relevant section on this power. These</p>

32/3 on the New Policy Doc		paras are therefore redundant.
<p>Page 26, before Section 18</p> <p>Please note this is Page 34/38 on the New Policy Doc</p>	<p>Delete Section 18 “Sexual Entertainment” (this will change in number due to changes above)</p> <p>Add: new section relating to the introduction of the Late Night Levy (this will be Section 17 following deletions and para numbers changing):</p> <p><i>17 “Late Night Levy</i></p> <p><i>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.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>• Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2</i> <i>• The Late Night Levy (Application and Administration) Regulations 2012</i> <i>• The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.</i> <p><i>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.</i></p>	<p>Sexual Entertainment moved and amended.</p> <p>Late Night Levy adopted by Full Council and introduced on 1st January 2018.</p>

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	E £125,001 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E x 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

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

	<p><i>viability; however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Furthermore due to their rateable value, they are more likely to be liable to the lower levy amounts.</i></p> <p><i>17.12 Temporary Event Notices (TENs)</i></p> <p><i>The levy does not apply to Temporary Event Notifications (TENs)."</i></p> <p>Note: as per above Amended Sections 7 and 8 (now 18 and 19) are now to be inserted here under section 17.</p>	
Page 26 Section 18	<p>Add the following to sit under section 19 and the new Bethnal Green CIZ Map</p> <p>20 Sexual Entertainment</p> <p><i>20.1 The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4'.</i></p>	Create new section following deletion of section 18 due to adoption of Sexual Entertainment Policy.
Page 28/29 Section 19	<p>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.</p>	Flow.
Page 28 between Paras 19.4 and 19.5	<p>Insert new paragraph and change numbering accordingly: "19.5 <i>Following this Policy the Steps that can be taken by the Licensing Authority Council include can take the following action:</i></p> <ul style="list-style-type: none"> <i>a. Taking no action;</i> <i>b. Issuing an informal warning;</i> <i>c. Recommending improvements within a particular time;</i> 	Moved from Review Process as flows better here.
Please note this is Page 45//46 on the New Policy		

Doc	<p>d. <i>Monitoring by regular inspection and invite to seek a further review if problems persist;</i></p> <p>e. <i>Investigate breaches of legislation and refer matters to the Council’s Legal Department for consideration for prosecution.”</i></p>	
<p>Page 28 Para. 19.9</p> <p>Please note this is Page 46 on the New Policy Doc</p>	<p>After end of 1st sentence Add: <i>“The Secretary of State’s Guidance contains”</i> then reduce caps on “A” to reduce to “a”, then after conditions Delete: <i>is included in the appendix.</i></p>	<p>Correct to new information above and Home Office Guidance.</p>
<p>Page 29</p> <p>Please note this is Page 46/47 on the New Policy Doc</p>	<p>Before: “20 Live Music, Dancing and Theatre”</p> <p>Add:</p> <p>“21 Late Night Refreshments and Deregulation Act 2015</p> <p><i>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.</i></p> <p><i>21.2 The Licensing Authority can only exempt types of premises set out in the regulations. These are:</i></p>	<p>Changes in legislation since last policy review.</p>

	<ul style="list-style-type: none"> • <i>Motorway service areas;</i> • <i>petrol stations;</i> • <i>local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;</i> • <i>schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;</i> • <i>hospitals (except domestic premises);</i> • <i>community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;</i> • <i>licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.</i> <p><i>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.”</i></p>	
<p>Page 29 Para. 20.5 (now 22.5)</p> <p>Please note this is Page 47 on the New Policy Doc</p>	<p>Add full stop after “venues” and Add: “<i>This is</i>” before the word “subject”.</p> <p>Delete “relating to” and Add: “<i>where the</i>”, after the word “premises”, then add: “<i>are</i>”.</p>	<p>Improve flow and clarity.</p>
<p>Page 29 Para. 20.6 (now 22.6)</p>	<p>Add full stop after “premises” and Add “<i>This is</i>”.</p>	<p>Improve flow.</p>

<p>Please note this is Page 47 on the New Policy Doc</p>		
<p>Page 31 Para 21.1 (now 24.1)</p> <p>Please note this is Page 49 on the New Policy Doc</p>	<p>Delete: “(for less than 500 people at a time and lasting for no longer than 96 hours)”.</p> <p>At the end of the 1st sentence Add: “<i>However advanced notice of at least ten full working days’ notice must be given to the Licensing Authority and the Metropolitan Police (please see paragraph 23.4 and 23.5 below for this Licensing Authority’s required notice period).</i>”</p>	<p>Update to take account of legislation/guidance changes and improve flow and clarity.</p>
<p>Page 31 Paras. 22.2 to 22.5</p> <p>Please note this is Page 49 to 51 on the New Policy Doc</p>	<p>Delete Paragraphs 22.2 to 22.5 and Replace with:</p> <p><i>“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:</i></p> <p><i>a) the number of times a person (the “premises user”) may give a TEN (these figures are inclusive of Late TENs):</i></p> <ul style="list-style-type: none"> <i>- 50 times per calendar year for a personal licence holder,</i> <i>- 5 times per calendar year for other people (non personal licence holders);</i> <p><i>b) the number of times a TEN may be given for individual premises is 15 times in a</i></p>	<p>Update to take account of legislation/guidance changes and improve flow and clarity.</p> <p>Strikethroughs are deletions for future proofing</p>

	<p><i>calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;</i></p> <p><i>c) the length of time a temporary event may last is 168 hours (this relates to the licensable activities only);</i></p> <p><i>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).</i></p> <p><i>24.3 Where events are planned outside the limits above, an application must be made for a limited duration Premises Licence.</i></p> <p><i>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”</i></p> <p><i>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></p> <p><i>i. Organisers of outdoor events are strongly advised to contact the Council’s Arts</i></p>	
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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).*

	<p><i>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.</i></p> <p><i>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.”</i></p>	
<p>Page 32 Para. 22.6 to 22.8</p> <p>Please note this is Page 52 on the New Policy Doc</p>	<p>Delete Para, and replace with:</p> <p><i>“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 giving of a TEN would undermine the licensing objectives in the Cumulative Impact Zone (CIZ). Therefore persons giving TENs within this Zone should have regard for the Cumulative Impact Policy detailed above and the Secretary State’s Guidance relating to Cumulative Impact. The reason for the CIZ is to reduce crime and disorder, and nuisance from a concentration of licensed premises.”</i></p>	<p>Better explanation on TENs in CIZ area, and avoid duplication from above added paras.</p>
<p>Page 32</p> <p>Please note this is Page 52 to 54 on</p>	<p>As covered above insert Enforcement Section (previously section 19 now Section 25) above Review Process Section.</p>	<p>Flow</p>

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 “ <i>responsible authorities</i> ”.	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 “ <i>Council</i> ”	Flow as mentioned at above.

New Policy Doc		
Page 32 Para. 23.5 (now 26.5) Please note this is Page 55 on the New Policy Doc	Delete “London Borough of Tower Hamlets” and replace with “ <i>Council</i> ”	Improve flow of policy.
Page 33 Para. 23.7 (now 26.7) Please note this is Page 55 on the New Policy Doc	Delete “contained” and Add “ <i>described in Part 8 of the Act (for example, closure orders), then Delete</i> ” in legislation and Add a comma.	Corrected to mirror Home Office Guidance
Page 33 Para. 23.8 (now 26.8) Please note this is Page 55/56 on the New Policy Doc	Delete “The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:”, Add: “ <i>Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps.</i> ” Subparagraph a. Delete “Modifying the conditions of the premises licence (which includes the addition of a condition or any alteration or omission of an existing condition temporarily or permanently)”, Add: “ <i>Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition),</i> ”	Corrected to mirror Home Office Guidance and Council’s Enforcement Policy.

	<p>Subparagraphs b. c. d. and e. Change initial word to <i>“Exclude, Remove, Suspend, Revoke</i> respectively.</p> <p>After subparagraph e Then Delete “Steps that can be taken by” Add: <i>“Following this Policy”</i>, Delete: “Council include”, Add <i>“Licensing Authority can take the following action:</i></p> <p>After Subparagraph d. Add another subparagraph: <i>“Investigate breaches of legislation and refer matters to the Council’s Legal Department for consideration for prosecution.”</i></p> <p>Move this new paragraph to sit under Enforcement Section above as Paragraph 25.5.</p>	
<p>Page 34 Para. 23.10</p> <p>Please note this is Page 56 on the New Policy Doc</p>	<p>Delete “Licence Suspension”, <i>“Add Non Payment of Licence Fee”</i>.</p> <p>Delete “This is a power brought as part of the”, Add <i>“In accordance with the”</i> then Delete “brought about by”, Replace full stop with comma and Drop Caps on “The”.</p>	<p>Better clarity with Home Office Guidance</p>
<p>Page 34 Para. 23.11</p>	<p>Delete “regulation”, Add legislation,</p> <p>After the word “days” Add “notice that the licence will be suspended,”</p> <p>Delete “Place (end of sentence) and Add <i>“effect”</i>.</p>	<p>Better clarity with Home Office Guidance</p>
<p>Page 34 Para. 23.12</p>	<p>Add <i>“It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send”</i>. Drop Caps on “A”.</p>	<p>Improvement and clarity.</p>

	<p>After the word “payment”, Add: <i>“to the licence holder giving 28 days from the date of the letter to make the required payment”</i>. Delete “will be sent and the Licensing Authority will then take”.</p> <p>After “If” Add: “no”, after “payment is” Add <i>“received the Licensing Authority will take”</i>. Delete “if payment is not received within 28 days”.</p>	
Page 34 Para. 23.13	Before “Income” Add <i>“Following the action to suspend the licence”</i> , and drop caps on “Income” to say <i>“income”</i> . After “payment” Add: <i>“is received”</i> .	Clarity.
Page 32 Para 23.3	Before the Word “Under” Add <i>“There are proceedings”</i> 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 (now 27.1) Please note this is Page 57 on the New Policy Doc	<p>After “licensing authority and” Add <i>“surrendered the licence or”</i>.</p> <p>After the word “Authority“ in the last sentence add the following: <i>“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.”</i></p> <p>The Add 3 new Paragraphs: <i>“Every premises licence that authorises the sale of alcohol must specify a designated</i></p>	<p>Clarity.</p> <p>Improves what is expected of Licensee and DPS.</p>

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.

	<i>It should be noted that the responsibility remains with the Premises Licence Holder and the Designated Premises Supervisor.</i>	
<p>Page 34 Para. 25.2 (now 28.2)</p> <p>Please note this is Page 58 on the New Policy Doc</p>	<p>At end of sentence Add: <i>“The Licensing Authority will also refer such practices to other authorities, where appropriate.”</i>.</p>	<p>Such matters relating to discrimination etc. may require us to report it to other authorities.</p>
<p>Page 35 Para. 28.3 (now 31.3)</p> <p>Please note this is Page 59 on the New Policy Doc</p>	<p>After “The” Add <i>“following”</i>, Delete “on the following page”.</p>	<p>Improve flow.</p>
<p>Page 36 Para. 28.4 (now 31.4)</p> <p>Please note this is Page 60/61 on the</p>	<p>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.”</p>	<p>Not relevant.</p>

New Policy Doc		
Page 37 Para. 28.6 (now 31.5) Please note this is Page 61 on the New Policy Doc	After “Licensing function” Add “ <i>and</i> ”. After appropriate Add “ <i>written</i> ”	Clarity.
Page 37 Para. 28.7 (now 31.7)	Between the words “Licensing” and “Team” Add “ <i>Safety</i> ”.	Update.
Page 38 Appendix 1	Change to new List of Responsible Authorities. Add after “Appendix 1:” “ <i>(Please note this is subject to updates where below contact details change, and will be updated regularly as needed)</i> ”	Update.
Page 41 Appendix 2 Please note this is Page 68 on the New Policy Doc	Replace with current conditions: Mandatory conditions <i>Made under the Licensing Act 2003 and associated Orders</i> 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	Update and correct legislation.

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;

	<p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)</p> <p>2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</p> <p>3.</p> <p>(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy</p> <p>(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <p>(a) a holographic mark, or</p> <p>(b) an ultraviolet feature.</p> <p>4. The responsible person must ensure that—</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—</p> <p>(i) beer or cider: ½ pint</p> <p>(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and</p> <p>(iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p>	
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	<p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p> <p>5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula —</p> $P = D + (D \times V)$ <p>where —</p> <p>(i) P is the permitted price</p> <p>(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and</p> <p>(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence</p> <p>(i) the holder of the premises licence</p> <p>(ii) the designated premises supervisor (if any) in respect of such a licence, or</p> <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence</p>	
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- (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

	<p>(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <ul style="list-style-type: none"> (a) a holographic mark, or (b) an ultraviolet feature. <p>5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <ul style="list-style-type: none"> (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 — <ul style="list-style-type: none"> $P = D + (D \times V)$ where — <ul style="list-style-type: none"> (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 <ul style="list-style-type: none"> (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a 	
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	<p>licence, or</p> <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994</p> <p>3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax</p> <p>(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day</p>	
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.

<p>Please note this is Page 106 on the New Policy Doc</p>	<p>Licensing and Safety Team Environment Health and Trading Standards John Onslow House, 1 Ewart Place, London E3 5EQ</p> <p>Change to Appendix 3</p>	
<p>New Appendix</p> <p>Please note this is Page 107 to 122 on the New Policy Doc</p>	<p>Add Appendix 4: Sexual Entertainment Venue Policy. Insert Policy</p>	<p>Update.</p>



Effective 1st November 2018

***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> or by telephoning +44 (0)333 202 507

Government Guidance under Section 182 of the Licensing Act 2003:

Available on the website www.gov.uk by telephoning 020 7035 4848

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

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 has set out in the Tower Hamlets Partnership's Community Plan by means of which the vision is delivered are:

A Great Place to Live

A Fair and Prosperous Community

A Safe and Cohesive Community

A Healthy and Supportive Community

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

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

1 Introduction

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

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

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

- 1.2 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.

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.

- 3.2 The 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 Licensing Authority will give due weight to the views of all the persons / bodies consulted before the Policy Statement is agreed and implemented.
- 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.

4.9 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.

4.10 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 If representations are made by a "responsible authority" or 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 conditions that are consistent with the applicant's operating schedule.
- 4.13 When considering the addition of conditions consistent with applicant's operating schedule the Licensing Authority will ensure that such conditions are enforceable and proportionate.
- 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 Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents. This statutory consultation requires an advertisement of the application in a local paper and the display of a pale blue notice on the premises. 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 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.
- 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.

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 Authority on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 5.4 It is also reasonable for the Council as a licensing authority to expect that other

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

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

6 Home Office as a Responsible Authority

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

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

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

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

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

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

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

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

- 6.5 Where an applicant has restrictions on the length of time they may work in the UK,

a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.

- 6.6 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder's permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.
- 6.7 The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:
- An enforcement operation or data sharing that identifies a relevant offence,
 - The issue of a civil penalty for employing illegal workers,
 - The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.

7 Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their the operating schedule.
- 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 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:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 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 the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance

- 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.

- 7.10 In particular the Licensing Authority is mindful of the 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:-

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery 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).

8 Public Safety

8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 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.

- 8.5 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.
- 8.6 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 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.

- 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.
- 10.3 Applicants are 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.
- 10.4 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.
- 10.5 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.
- 10.6 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
- 10.7 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.

- 10.8 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.
- 10.9 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.
- 10.10 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.
- 10.11 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.
- 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.
- 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 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.

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 are 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.

11 Access to Cinemas

- 11.1 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.
- 11.2 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.
- 11.3 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.

12 Children and Public Entertainment

- 12.1 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.
- 12.2 Where 10.1 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
- 12.3 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.
- 12.4 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

13 Health Considerations of Licensing

- 13.1 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.
- 13.2 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.
- 13.3 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.

14 Licensing Hours

14.1 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 discretion is engaged.

14.2 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.

14.3 The policies set out in this Part may, depending on the circumstances of the application, apply to applications for a provisional statement.

14.4 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.

14.5 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.

14.6 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.

14.7 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.

14.8 Sunday – 06:00 hours to 22:30 hours
Monday to Thursday – 06:00 hours to 23:30 hours
Friday and Saturday – 06:00 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.

14.9 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.

14.10 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.

14.11 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.

15 Shops, Stores and Supermarkets

15.1 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.

15.2 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.

16 Integrating Strategies and Avoiding Duplication

16.1 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

- 16.2 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.
- 16.3 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.
- 16.4 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.
- 16.5 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.
- 16.6 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 16.7 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.
- 16.8 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.

- 16.9 Applicants for new premise or club licences or variations of them are advised to consult the London Borough of Tower Hamlets' Planning Authority about any planning restrictions which may apply to their premises. The Planning website is http://www.towerhamlets.gov.uk/lgnl/environment_and_planning/planning/Planning.aspx
- 16.10 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.
- 16.11 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.
- 16.12 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.
- 16.13 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
- 16.14 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.
- 16.15 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.
- 16.16 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.

- 16.17 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.
- 16.18 The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.

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.
- 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 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).
- 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 is 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	E £125,001 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E x 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

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

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).

18 **Cumulative Effect**

18.1 The Licensing Authority will not take 'need' into account when considering an application (i.e. commercial demand), as this is not a licensing objective. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.

18.2 Representations may be received from a responsible authority / other persons that an area has become saturated with premises, which has made it a focal point for large groups of people to gather and circulate away from the licensed premises

themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

- 18.3 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives.
- 18.4 The Licensing Authority will take the following steps when considering whether to adopt a special saturation policy:-
- identification of serious and chronic concern from a responsible authority or representatives of residents about nuisance and disorder
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - assessing the causes
 - adopting a policy about future licence applications from that area
- 18.5 The Licensing Authority will not adopt a "cumulative impact" policy in relation to a particular area without having consulted individuals and organisations listed in Section 5(3) of the Licensing Act (i.e. those who have to be consulted about this policy). It will also have ensured that there is consultation with local residents.
- 18.6 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally of the grant of the particular application in front of them.
- 18.7 However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 18.8 The Licensing Authority will review any special saturation policies every three years to see whether they have had the effect intended, and whether they are still required.
- 18.9 The Licensing Authority will not use such policies solely:-
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,

- to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
- to impose any form of quota

18.10 The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community.

18.11 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

19 Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

19.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.

19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

19.3 The 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.

- 19.4 The Licensing Authority is 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.
- 19.5 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 Licences 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 applicant operates similar premises elsewhere without complaint.

19.9 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.

The Cumulative Impact Zone in the Brick Lane and Bethnal Green area

The Cumulative Impact Zones are detailed in the maps below.

Figure One – Brick Lane CIZ

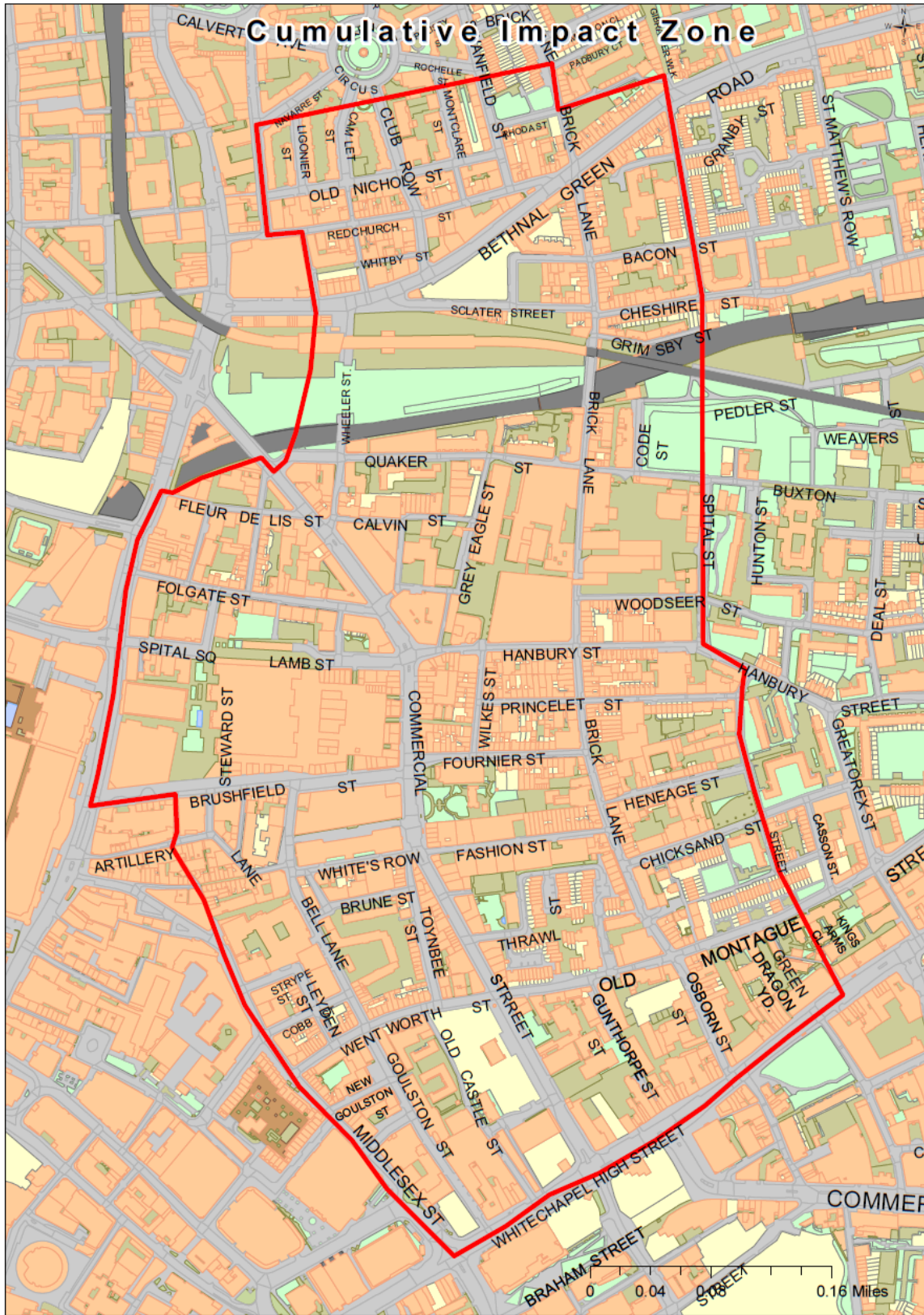
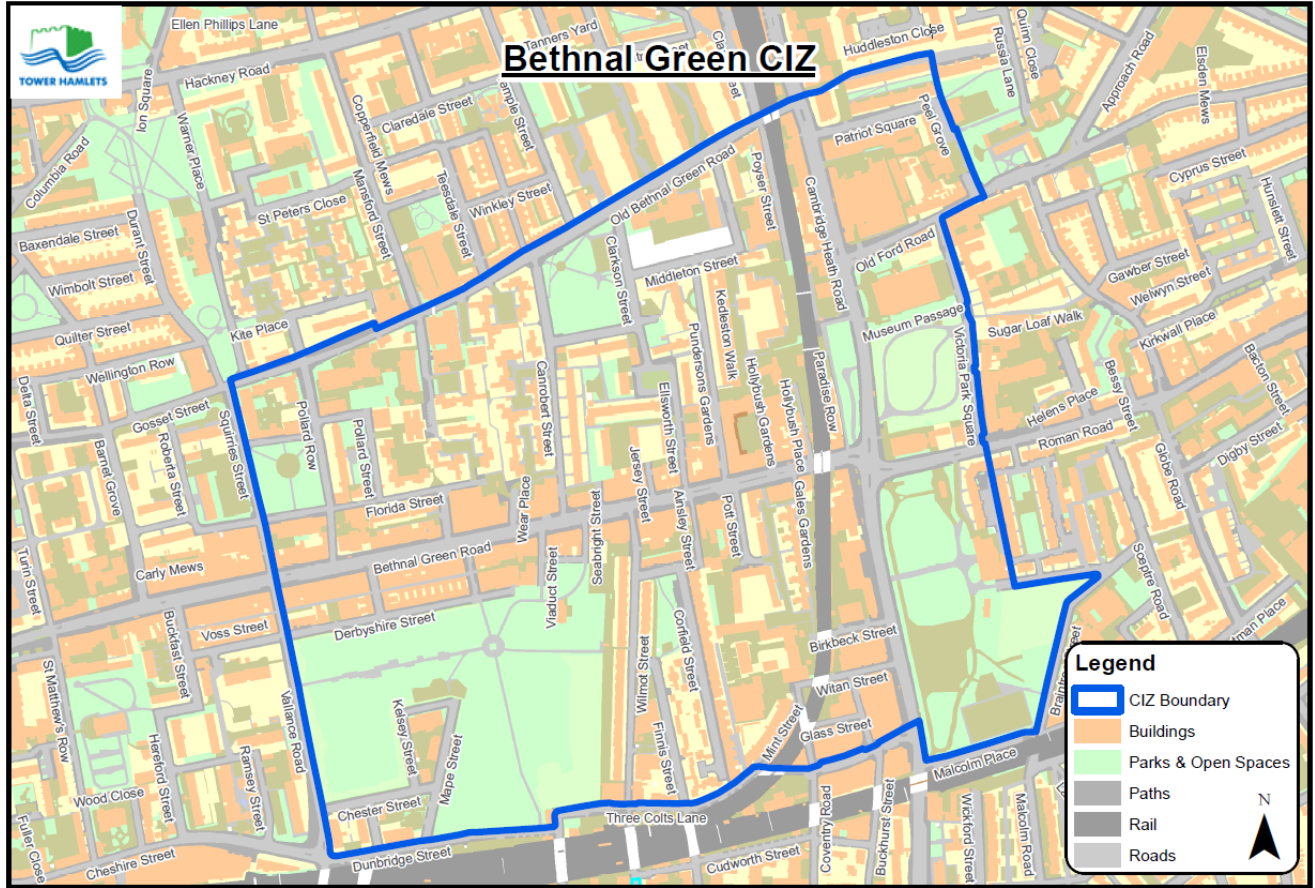


Figure Two – Bethnal Green CIZ



20 Sexual Entertainment

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

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:
- 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.

22 Live Music, Dancing and Theatre

- 22.1 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.
- 22.2 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.

- 22.3 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.
- 22.4 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act :
- 22.5 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 where the premises are authorised to supply alcohol for consumption on the premises.
- 22.6 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.
- 22.7 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).
- 22.8 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.

23 Risk Assessments

- 23.1 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.

- 23.2 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.
- 23.3 Forms 696 and 696A are available on the Metropolitan Police web completion and transmission of the forms is undertaken by licensees.
- 23.4 **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.
- 23.5 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.
- 23.6 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.
- 23.7 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.
- 23.8 Definition of a 'Significant Event'
This definition relates to events that require a Promotion/Event Risk Assessment Form 696.
- 23.9 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.

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

24 Temporary Event Notices Process

24.1 The Licensing Act 2003 allows small scale events 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).

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,
 - 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).

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

24.4 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”

24.5 In accordance with 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.

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) **2** 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.

- 24.10 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.
- 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 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.

25 Enforcement

- 25.1 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.
- 25.2 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.
- 25.3 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.
- 25.4 In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Council's website. In most cases a graduated form of response will be used to resolve issues of non-compliance although it is recognised that in serious cases a prosecution or a review application are appropriate means of disposal. The Council will use test purchases as a legitimate way to determine compliance to the license conditions. Failed test purchases will be disposed with by reference to the Council Enforcement Policy

25.5 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.

25.6 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.

25.7 Conditions should be:

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

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

25.9 Licensing authority cannot impose blanket standard conditions. The Secretary of State's Guidance contains a pool of conditions.

25.10 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.

25.11 Non Payment of Licence Fee

- In accordance with the amendments introduced by the Police Reform and Social Responsibility Act 2011, the council must suspend premises licences and club premises certificates on the non-payment of annual fees.

25.12 **The 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 effect.

- 25.13 It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send a single request for payment to the licence holder giving 28 days from the date of the letter to make the required payment. ~~will~~ If no payment is received the Licensing Authority will take measures to suspend the licence.
- 25.14 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.

26 Review Process

26.1 Working in partnership:

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

26.2 Purpose of reviews:

The review process is integral to the operation of 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 other persons to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence.

26.3 Proceedings:

There are proceedings 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.

26.4 Initiating Reviews:

At any stage, following the grant of a premises licence, any of the Responsible Authorities or any 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.

- 26.5 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 who are specified as Responsible Authorities under the Act may request reviews.

- 26.6 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 another person, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.
- 26.7 Where the Licensing Authority receives a request for a review in accordance with the closure procedures described in Part 8 of the Act (for example, closure orders) it will arrange a hearing in accordance with the regulations set out by the Government.
- 26.8 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. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- a. Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - b. Exclude a licensable activity from the scope of the licence;
 - c. Remove the designated supervisor;
 - d. Suspend the licence for a period not exceeding three months;
 - e. Revoke the licence.
- 26.9 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.

27 Responsibility of Licence Holders and Designated Premises Supervisors (DPS)

- 27.1 When licence holders or designated premises supervisors move, leave 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

- 27.2 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.
- 27.3 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.
- 27.4 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 Prohibition signs

- 28.1 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.
- 28.2 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

- 29.1 Legislation requires the local authority to have due regard to the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority expects all licence applications to be consistent with this duty.
- 29.2 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 sets out the agreed delegation of decisions and functions to Licensing Committee / Sub-Committees and Officers

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		Police objection including unspent convictions	If no objection made

Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representations are made
Application for provisional statement		If a relevant representation made	If no relevant representations are made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representations are made
Application to vary designated premises supervisor		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection	All other cases
Application for interim authorities		If police objection	All other
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.;			All cases
Decision to object when local authority is consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Decision on whether a minor variation application is valid, the need to go out to consultation and determination.			All cases
Determination of minor variation application			All cases

Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non-payment of annual			All cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All cases
Power to impose existing conditions on a premises licence, club premises certificate and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003.			All cases
Power to make representations as responsible authority			All cases

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.

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 Authority** for any in which the premises are situated –

London Fire Brigade
Fire Safety Regulation
NE 2 Area
London Fire Brigade
169 Union Street
London
SE1 0LL

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

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

- i.) **Licensing and Safety Team**
London Borough of Tower Hamlets
Environment Health and Trading Standards
John Onslow House
1 Ewart Place
London E3 5EQ

Tel: 020 7364 5008
Email: Healthand.Safety@towerhamlets.gov.uk

OR

- ii.) Health and Safety Executive
Rose Court
2 Southwark Bridge
London SE1 9HS

Fax: 020 7556 2201

OR

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

Tel: 0168 9890400

AND

- iv.) **Local Weights and Measures Authority**
Trading Standards
Administration Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel: 020 7364 5008

Email: TradingStandards@towerhamlets.gov.uk

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

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

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

Tel: 020 7364 5009

Email: Planning@towerhamlets.gov.uk

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

Environmental Protection

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

Tel: 020 7364 5007

Email: Environmental.Health@towerhamlets.gov.uk

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

Child Protection

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: Somen.banerjee@towerhamlets.gov.uk

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

Alcohol Licensing Team
Lunar House
40 Wellesley Road

Croydon
CR9 2BY

Email: Alcohol@homeoffice.gsi.gov.uk

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 conditions 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 conditions...

- 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.

Appendix 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

Telephone: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

It is also available for inspection at the above office.

Appendix 4:

London Borough of Tower Hamlets

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, and 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 is 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 of 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:licensing@towerhamlets.gov.uk
- 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 within 21 days 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 establishments 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.

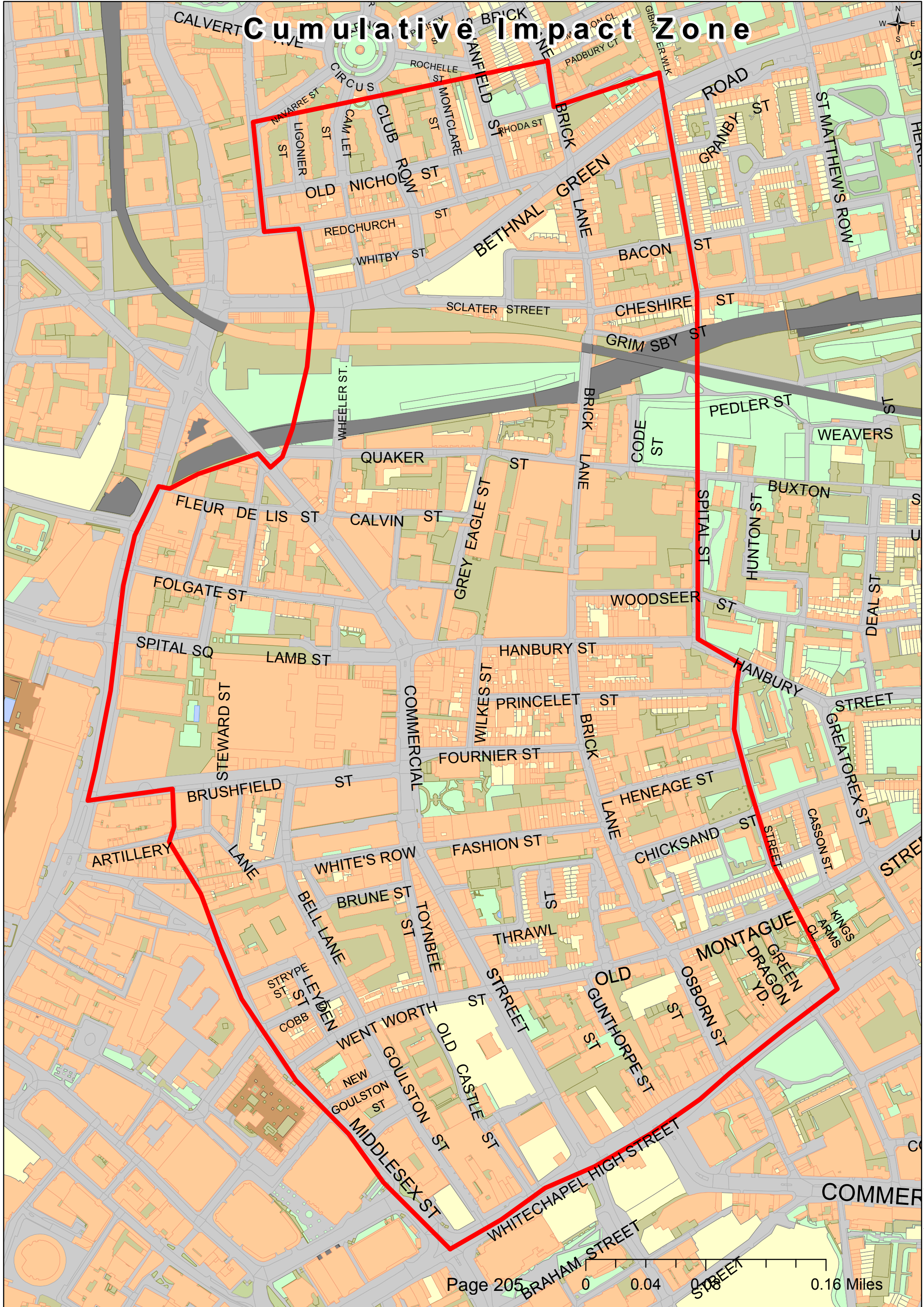
Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall 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

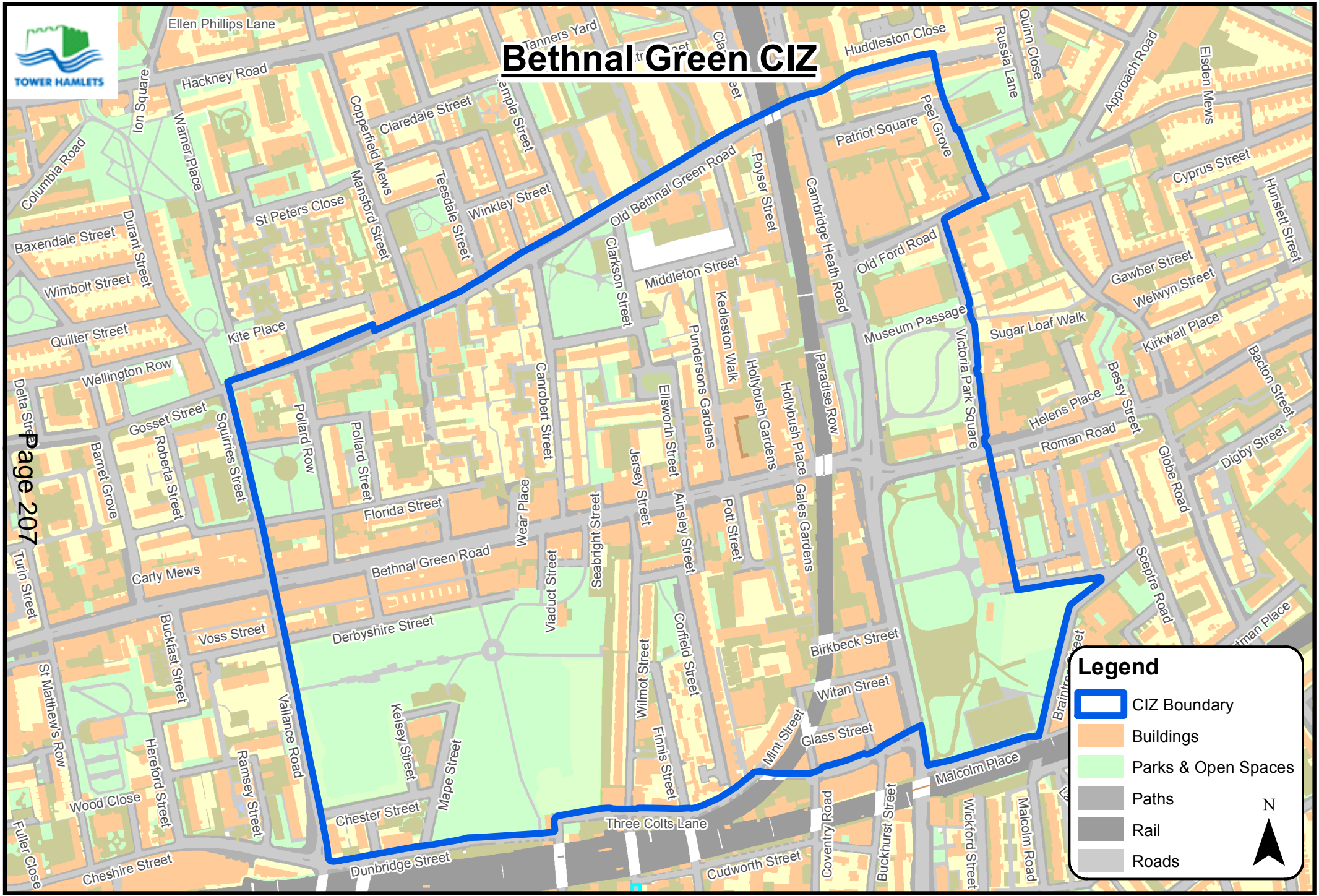
Cumulative Impact Zone



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Bethnal Green CIZ



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Legend

- CIZ Boundary
- Buildings
- Parks & Open Spaces
- Paths
- Rail
- Roads

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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: <div style="text-align: center; width: 30px; height: 30px; background-color: green; margin: 0 auto;"></div>

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Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		

a	Are the outcomes of the proposals clear?	Yes	<p>This report submits proposed changes to the Statement of Licensing Policy. The report asks Mayor in the Cabinet to agree:</p> <ul style="list-style-type: none"> • the adoption of the Statement of Licensing Policy • that the Statement of licensing policy will take effect from 1 November 2018 until 31 October 2023 <p>The Licensing Act 2003 requires all local authorities to review their existing Statement of Licensing Policy. 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.</p> <p>The policy aims to define how the responsibilities under the Act are going to be exercised and administered. A statutory consultation process took place between 12th January and 10th April 2018..</p> <p>The purpose of the Statement of Licensing Policy is to define how the responsibilities under the Licensing Act 2003 are going to be exercised and administered. The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm.
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	<p>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:</p>



			<ul style="list-style-type: none"> • 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 <p>The following are relevant issues that have been raised in the consultation process and will need to be determined by Members:</p>
c	Is there a narrative in the proposal where NO impact has been identified? Please note – if a Full EA is not to be undertaken based on the screen or the fact that a proposal has not been 'significantly' amended, a narrative needs to be included in the proposal to explain the reasons why and to evidence due regard	No	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 Consultation		
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.


			The online consultation was also made available on the Council website.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Yes. See Appendix 1: List of groups/organisations consulted.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	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.
	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	<p>The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm. <p>These objectives, if they are achieved, will contribute to help develop cohesion, They may also contribute to develop equalities in the borough by reducing ASB and crime and disorder that currently take place in a particular area.</p>
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	NA	No action plan is included in the policy.

b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	NA	No action plan is included in the policy.
c	Are the outcomes clear?	NA	No action plan is included in the policy.
d	Have alternative options been explored	NA	No action plan is included in the policy.
6	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The policy has been reviewed every five years.
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			
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	NA	No executive summary is included in the report.
8	Sign Off and Publication		
a	Has the Lead Officer signed off the EA? Please note – completed and signed off EA and Quality Assurance checklists to be sent to the One Tower Hamlets team	Yes	

Any other comments			
Signature		Date	

(Sample) Equality Assessment Criteria

Decision	Action	Risk
<p>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</p>	<p>Suspend – Further Work Required</p>	<p>Red</p> 
<p>As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p>Proceed with implementation</p>	<p>Green:</p> 

Non-Executive Report of the: Council 19 September 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance & Monitoring Officer	Classification: Unrestricted
Localism Act 2011 - Appointment of Independent Person	

Originating Officer(s)	Mark Norman, Legal Adviser & Deputy Monitoring Officer
Wards affected	All Wards

Summary

This report recommends the re-appointment of Ms Elizabeth Hall as an Independent Person under the provisions of the Localism Act 2011 to undertake duties in connection with the consideration of any complaints of alleged breach of the Code of Conduct for Members by the Mayor, a Member or Co-opted Member of the Council.

Recommendations:

The Council is recommended to:

1. Agree the re-appointment of Ms Elizabeth Hall as an Independent Person for a period of 3 years effective from the date of the Council meeting and concluding on 18 September 2021.

1. REASONS FOR THE DECISIONS

- 1.1 The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members and put in place arrangements for dealing with any allegation that a Member or Co-opted Member has breached the Code. In accordance with the Localism Act 2011, the arrangements adopted by the Council must include the appointment of at least one Independent Person (IP) whose views must be sought and taken into account by the authority before it makes a decision on any alleged breach of the Code which has been referred for investigation.

2. ALTERNATIVE OPTIONS

- 2.1 The Council has appointed a second IP, Rachael Tiffin and could therefore decide not to agree the re-appointment of Ms Hall. This is not recommended as a second IP is required to assist in dealing with complaints in circumstances where one IP is unable to act (for example where there is a potential conflict of interest) and/or where the Member complained about wishes to seek the view of the IP.

3. DETAILS OF REPORT

- 3.1 The IP must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. They may be consulted by the authority in respect of a standards complaint at any other stage and the Council's arrangements for dealing with alleged breach of the Code require that the IP is consulted before deciding whether a complaint should be referred for investigation. The IP may also be consulted by a Member or Co-opted Member of the Council against whom a complaint has been made. The IP is invited to attend meetings of the Standards (Advisory) Committee, but is not a co-opted member of the Advisory Committee.
- 3.2 As Ms Hall's term of appointment as IP expired on 24 June 2018, the vacancy for the role was advertised in May 2018. There were three applications which were considered by the Independent Chair of the Standards (Advisory) Committee and the Corporate Director Governance. Ms Hall was assessed as the only applicant with sufficient suitable experience to meet the requirements of the person specification for the role.
- 3.3 Ms Hall has been consulted in relation to a significant number of complaints over the past five years and her understanding and grasp of the issues have proved invaluable. The Council is therefore requested to agree to her re-appointment as IP for a period of 3 years until 18 September 2021.

4. EQUALITIES IMPLICATIONS

- 4.1 An important part of the role of the IP is to consider any equalities implications relating to any of the issues that are raised with them.

5. OTHER STATUTORY IMPLICATIONS

5.1 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.

5.2 There is a statutory requirement to appoint at least one IP. The re-appointment of Ms Hall will ensure the efficient operation of the Council's arrangements for dealing with alleged breach of the Code and that the Council is able to comply with statutory requirements in cases where one IP is unable to act or has a potential conflict of interests.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications from the implementation of the recommendations of this report (appointment of an independent person under the provisions of Localisation Act 2011). However, if resources are required in the future officers will be obliged to seek appropriate approval through the Council's financial approval process.

7. COMMENTS OF LEGAL SERVICES

7.1 The Localism Act 2011 introduced new arrangements to regulate standards of conduct by local authority Members and Co-optees. A key element of the arrangements is the appointment of at least one Independent Person.

7.2 The Act provides that the IP must be appointed through a process of public advertisement and there must be by a positive vote of a majority of all members of the Council (not just of those present and voting) to make the appointment. The Act sets out specific statutory prohibitions on who can be an IP and excludes current and previous (within a 5 year period) officers, Members and Co-opted Members of the authority. The relatives and close friends of a current officer, Member or Co-opted Member of the authority are also excluded from carrying out the IP role.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

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


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

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

- None

Officer contact details for documents:

N/A

Non-Executive Report of the: COUNCIL 19th September 2018	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Motions submitted by Members of the Council	

Originating Officer(s)	Matthew Mannion, Committee Services Manager, Democratic Services.
Wards affected	All wards

SUMMARY

1. Two motions have been submitted by Members of the Council under Council Procedure Rule 11 for debate at the Council meeting on Wednesday 19th September 2018
2. The motions submitted are listed overleaf. In accordance with the Council Procedure Rules, the motions alternate between the administration and the other Political Groups, with the Opposition Group motions starting with the largest Political Group not to have that meeting's Opposition Motion Debate slot.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

MOTIONS

Set out overleaf are the motions that have been submitted.

12.1 Motion Regarding school cuts

Proposer: Councillor Danny Hassell

Seconder: Mayor John Biggs

This Council notes:

1. £2.8bn of funding has been cut from school budgets nationally since 2015, representing a real-terms cut to school funding.
2. These school cuts have directly led to a major reduction in the number of secondary teachers, teaching assistants and support staff, across the country including in Tower Hamlets.
3. There are 15,000 fewer members of staff in secondary schools in England between 14/15 and 16/17, whilst roll numbers have increased by 31,000.
4. In Tower Hamlets, between 14/15 and 16/17:
 - a. 49% of schools have seen a reduction in staffing levels;
 - b. 56% of schools have seen an increase in the pupil to teacher ratio;
 - c. There are nearly 500 more pupils.
5. That schools in Tower Hamlets will receive £448 less in funding per pupil in 2019/20 than they did in 2015/16.
6. That this represents an overall loss of £15.9m between 2015 and 2020.

This Council further notes that:

1. Tower Hamlets has some of the best schools in the country: a result of proper funding from a Labour government and the hard work of teachers, pupils, the Council and parents.
2. There has been a dramatic improvement in the quality of education offered in our schools over the past 20 years. This has not happened by accident but has been a result of partnership and leadership but also crucially of adequate funding.

This Council believes that:

1. The Government is cutting schools funding. As well as damaging everyone it is doing severe damage to social mobility and the quality of education offered in our schools.
2. Schools in Tower Hamlets showcase what can be achieved when schools are properly funded.
3. As staff costs make up the main expenditure for schools, cuts to school budgets inevitably mean fewer members of staff in schools.
4. Our schools should receive the funding they need.

This Council resolves:

1. To support the campaign led by the School Cuts alliance of education unions (including the National Education Union, NAHT, GMB, UNISON, Unite and ASCL), local schools, Mayor John Biggs and local MPs Rushanara Ali and Jim Fitzpatrick against the cuts to education funding.
2. To call on the Government to fully fund the pay increase for teachers that is recommended by the School Teachers' Review Body.

12.2 Motion regarding the Adoption of the International Holocaust Remembrance Alliance Guidelines on Anti-Semitism

Proposer: Councillor Peter Golds
Seconder: Councillor Andrew Wood

This Council expresses alarm at the rise in anti-Semitism in recent years across the UK including this borough. This includes incidents when criticism of Israel has been expressed using anti-Semitic tropes.

We therefore welcome the UK Government's announcement on December 11th 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on anti-Semitism, which has been passed by the GLA and many London Boroughs including Brent, Hackney, Harrow, Islington and Redbridge and which defines anti-Semitism thus:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

The guidelines highlight manifestations of anti-Semitism as including:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic anti-Semitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

This Council hereby adopts the above definition of anti-Semitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.