

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	Out of date information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> ”	

<p>Please note this is Page 12 on the New Policy Doc</p>		
<p>Page 9 Para. 6.5 (now 7.5)</p> <p>Please note this is Page 12 on the New Policy Doc</p>	<p>Delete “Section 182 of the Licensing Act 200 (See Appendix 2.)” and replace with “<i>the Secretary of State’s Guidance</i>”.</p>	<p>Update to correspond with earlier changes and improve clarity</p>
<p>Page 9 Para. 6.7 (now 7.7)</p> <p>Please note this is Page 12 on the New Policy Doc</p>	<p>Delete paragraph and replace with the below, keeping subparagraphs 1) and 2):</p> <p><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></p> <p><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></p>	<p>Change to correct to current data.</p>
<p>Page 10 Paras 6.8 and 6.9</p> <p>Please note</p>	<p>Delete paragraph 6.8 and replace with:</p> <p><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></p>	<p>Improve flow.</p>

<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>	
<p>Page 10 Paras. 6.12, 6.13, and 6.14</p>	<p>Delete paragraphs.</p>	<p>Not consistent and in keeping with Home Office Guidance.</p>
<p>Page 10 Para. 6.15 (now 7.10)</p> <p>Please note this is Page</p>	<p>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>”.</p> <p>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></p>	<p>Consistency with other policy amendments.</p> <p>Reflect changes to legislation</p>

<p>14 on the New Policy Doc</p>	<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>	<p>This was moved up after consultation</p>
<p>Page 11 Para 6.16</p> <p>Please note this is Page 15 on the New Policy Doc</p>	<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>	<p>Clarity on the reasons.</p>
<p>Page 11 New Paras.</p> <p>Please note this is Page 15/16 on the New Policy Doc</p>	<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>	<p>Updated to take account of West Ham United having Olympic Park as Home Ground.</p>

	<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>

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

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: “<i>by the Licensing Sub-Committee</i>”</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> 	
Page 14, Para 8.5	Delete “Figure One”	No reference given in police to meaning of figure one.
Page 14 Para 8.5 (now 19.10) Please note this is Page 43 on the	After Para 8.5 in Bold font after word “Brick Lane” Add: “ <i>and Bethnal Green</i> ”	New adopted CIZ

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>	<p>Take account of new adopted CIZ in Bethnal Green</p>
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: “found in the Secretary of States Guidance”</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 – 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.</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

(now 10.10)	<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>	terms of what is expected in terms of protection of children from harm.
<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>10.11 <i>"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>10.12 <i>"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>10.13 <i>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>

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

10.15 “Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:

- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
- 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.”

Page 19 para.

Delete “11.1” and Add: 10.1

Take account of

13.2 (now 12.2)		movement of sections as per above.
Page 19 Para 13.4 (now 12.4) 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: “ <i>the Secretary of State’s Guidance and Delete Appendix 2</i>	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><i>20 Sexual Entertainment</i></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 Please note this is Page 45//46 on the New Policy	<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.

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>

calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;

c) the length of time a temporary event may last is 168 hours (this relates to the licensable activities only);

d) the scale of the event in terms of the maximum number of people attending at any one time can be no more than 499 (including staff/volunteers etc. running the event).

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

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

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

i. Organisers of outdoor events are strongly advised to contact the Council's Arts

and Events section, Environmental Health and Health and Safety as well as the emergency services for advice.

- ii. With regards to giving notice to the relevant authority, as the term “give” used in section 100 of Licensing Act 2003 is not defined, the Licensing Authority considers this to mean the date on which the TEN is received by the Licensing Authority and not the date on which it was sent. Applicants are therefore advised to hand deliver notices if time is short, as late notices will not be accepted under any circumstances.*

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

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

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

24.8 The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 23.2 (b-d) above and the below limitations referred to below in relation to the number of times a person (the “premises user”) may give a Late TEN, which is:

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

	<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		
<p>Page 32 Para. 23.1 (now 26.1)</p> <p>Please note this is Page 54 on the New Policy Doc</p>	Delete "Police, Fire Authority", Replace with " <i>responsible authorities</i> ".	Responsible authorities includes more than just Police and Fire Authority.
<p>Page 32 Paras. 23.2 and 23.3 (now 26.2 and 26.3)</p> <p>Please note this is Page 54 on the New Policy Doc</p>	Add "There are proceedings" and Delete "Licensing" and "2003".	Improve flow of policy.
<p>Page 32 Para. 23.5 (now 26. 5)</p> <p>Please note this is Page 55 on the</p>	Delete "London Borough of Tower Hamlets", Add " <i>Council</i> "	Flow as mentioned at above.

New Policy Doc		
<p>Page 32 Para. 23.5 (now 26.5)</p> <p>Please note this is Page 55 on the New Policy Doc</p>	Delete "London Borough of Tower Hamlets" and replace with " <i>Council</i> "	Improve flow of policy.
<p>Page 33 Para. 23.7 (now 26.7)</p> <p>Please note this is Page 55 on the New Policy Doc</p>	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
<p>Page 33 Para. 23.8 (now 26.8)</p> <p>Please note this is Page 55/56 on the New Policy Doc</p>	<p>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>"</p> <p>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>"</p>	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 — $P = D + (D \times V)$ where —</p> <p>(i) P is the permitted price</p> <p>(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and</p> <p>(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence</p> <p>(i) the holder of the premises licence</p> <p>(ii) the designated premises supervisor (if any) in respect of such a 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>	
<p>Page 43 Appendix 3</p>	<p>Delete and refer to Home Office Guidance where this appendices is mentioned in the Policy. Change all references within the policy to refer to Secretary of States Guidance (i.e. Home Office Guidance).</p>	<p>Update and removes the need to update if guidance is updated.</p>
<p>Page 73 Appendix 4</p>	<p>Replace Address with:</p>	<p>Update.</p>

<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>