1.0 Summary

1.1 This report details:

- the responses of the consultation carried out for the three year review of Licensing Policy under the Licensing Act
- the analysis of the responses
- the suggested changes to the Policy

2.0 Recommendations

Cabinet is recommended to

2.1 Note the results of the consultation in respect of the three year review of the Licensing Policy

2.2 Note the recommended changes to the Licensing Policy detailed in the report.

2.3 Endorse the draft Licensing Policy attached at Appendix 3 subject to such changes as considered appropriate and recommend adoption thereof to full Council.

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

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

<table>
<thead>
<tr>
<th>Brief description of “background paper”</th>
<th>Tick if copy supplied for register</th>
<th>If not supplied, name and telephone number of holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing Act 2003 and regulations</td>
<td></td>
<td>John Cruse 020 7364 5024</td>
</tr>
<tr>
<td>Revised Guidance issued under Section 182 of the Licensing Act 2003 and Guidance to licensing authorities and the police – June 2007 and File</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.0 Background

3.1 The Council’s current Licensing Policy was adopted by Full Council in December 2004.

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 three 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.

3.3 Following consultation, Cabinet must consider and approve the policy. The Licensing Policy has to be adopted by the Full Council. This will occur on 28th November 2007.

3.4 The Government revised its guidance on the Licensing Act 2003 issued under Section 182 of the Licensing Act 2003 on the 28 June 2007. The changes to the Licensing Policy defined in this report are compatible with this guidance unless it is clearly stated otherwise.

4.0 Consultation Process for Review

4.1 The consultation process employed for this review complied with the statutory requirements. In addition to this a wider and more extensive and inclusive consultation was carried out where a range of community, cultural, faith and business organisations were contacted. Also included were all Councillors, Tower Hamlets’ two constituency MPs, Local Area Partnerships, and business organisations such as the Association of Licensed Multiple Retailers and the British Institute of Inn Keeping. Also included were businesses and a sample of residents who have been involved in reviews of a specific individual Premises Licences under the Licensing Act 2003.

4.2 There is much in the current policy that is not contentious and has not been raised or objected to by any party involved in the licensing process. The consultation focused on specific issues that have been raised over the last three years and asked specific questions relating to these issues. However opportunity was given for further comment from consultees on other issues of the Licensing Policy.

4.3 The contentious issues the consultation focussed on were:-

- Extending Consultation on individual Premises Licence Application
- Clarifying the inter relationship between the Licensing and Planning Regimes
- Reviewing the Policy relating to premises that hold striptease
- Introducing the concept of a presumptive framework of opening hours
4.4 During the consultation process advice from Legal Services was sought on the extending consultation, planning and striptease issues. The advice received is included in the relevant sections of this report.

4.5 There were a number of procedural issues that the consultation highlighted. These were:-

- Introduction of the requirement for risk assessments for certain events and premises.
- Introduction of the description of the Temporary Event Notice procedure
- Introduction of the description of the review process for individual Premises Licences

5.0 Consultation Responses

5.1 The total number of responses was 68. Although not a large number of responses, it is more than is double the number of responses to the original consultation when the Licensing Policy was first formulated. The profile of respondents is also different, with substantially more individual residents responding.

5.2 Section 1 of Appendix 1 to this report contains

- An analysis of the number and categories of responses.
- An analysis all the responses to the seven standard questions that were asked. The categories of responding groups are shown, with the number and percentage of responses in each category. Responses to each of the standard questions with any further comments are considered, analysed, and commented upon.
- Analysis of other issues raised during consultation

5.3 Where recommendations are being made that involve changes to the current policy these are contained in the following sections of this report.

5.4 The suggested new wording of the licensing policy is contained in Appendix 2 to this report. The full policy is contained in Appendix 3.

5.5 The existing Licensing Policy can be seen in full on the Councils website at http://www.towerhamlets.gov.uk/data/business/data/regulations/data/licensing-act-2003/info.cfm.

6.0 Changes to the Current Policy

6.1 The following sections detail the analysis of issues, the recommended changes and where significant the likely impact of the changes to the Licensing Policy.
7.0 Extending Consultation on Applications for Premises Licences

7.1 Issue - The Licensing Act 2003 requires applicants for new premises/clubs or variations to put up a notice on their premises for 28 days and to place an advertisement in a local newspaper. A consistent source of complaint from local residents has been that they were unaware of an application or have not been adequately consulted. Recent Government advice is that Local Authorities can undertake their own consultation, but the cost cannot come from the licence fee income. The consultation suggested that all businesses and residents within 40 metres of the premises should be consulted by letter from the Council.

7.2 Analysis - There was a significant majority in favour of this proposal (88%). Dissenters included businesses and Tower Hamlets Community Housing. Legal Services have been consulted and it has been confirmed that the Council can, in strictly objective terms consult. The extra cost and resources of consultation cost cannot be met from licensing fees. It has also been suggested that for larger events and premises wider consultation maybe necessary as more businesses and residents will be affected.

7.3 Recommendation - That a strictly neutral system of notifying local businesses and residents within 40 m of any application for a new or varied premises or club licence is adopted. The suggested wording for this is contained in section 1 of Appendix 2. The suggestion of 40m represents a balance between the needs of the local community, and the resources needed to provide a rapid response to ensure effective consultation. For larger events and premises of a capacity of more than 1000 persons the Council will carry out reasonable and relevant consultation with local residents and businesses. The scope of this consultation will be decided by the Licensing Service Manager.

7.4 Impact - This change will generally raise awareness of Licence applications and lead to less complaints about the Licensing process. It may lead to more contested applications.

8.0 Planning

8.1 Issue - For some local residents it has been an issue that the Licensing Authority will deal with and sometimes grant licences to premises that do not have planning permission. The Licensing Act 2003 does not have planning permission as a licensing objective, and consequently we cannot refuse to issue a licence because planning permission is absent. Unless a valid objection is made then a licence has to be granted and even if the application goes to a hearing only objections that relate to the licensing objectives can be considered.
8.2 **Analysis** - There was almost universal agreement that amended wording relating to this issue should be adopted. The Secretary of State revised substantially the advice issued under Section 182 of the Licensing Act 2003 (28 June 2007) in this area. The guidance states:

“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.” Legal Services have been consulted and it has been confirmed that applications cannot be refused simply because they lack planning permission, and recommended the adoption of the above guidance.

8.3 **Recommendation** - That the new wording of the Secretary of State Guidance is adopted in the statement of Licensing Policy. In addition, and as suggested, if this recommendation is accepted applicants and others are directed to the Planning website. The new wording is in section 2 of Appendix 2.

8.4 **Impact** - The amendment to the policy will clearly explain the Council's policy on this matter and hopefully lead to less dissatisfaction with local residents.

9.0 **Strip tease**

9.1 **Issue** – The issue of striptease continues to be a major source of debate within the Borough. Most of the objections to striptease are moral in nature in that it is exploitative or degrading. The Licensing Act 2003 does not allow objections that are morally based. Licensing Authorities therefore cannot ban striptease. Legal Services have been consulted and it has been confirmed that is the case.

9.2 The Licensing Policy is intended to look at the impact of striptease within the restrictions of the Licensing Act, and when the policy applies, to ensure that the potentially negative impacts are restricted. Thus the issues of management, advertising and proximity to sensitive places are all addressed. The changes to the existing policy were intended to clarify and allow the Council’s to maximise the regulatory controls we have over premises that operate with striptease.

9.3 The Council has also asked Overview and Scrutiny to look at both licensing and the wider issues around striptease as part of the sex industry. This review is programmed to be completed in early 2008 and so any outcomes can not be included in this review. As part of the general review process of the Licensing Policy a mid term assessment of issues will take place. Any further changes to the Licensing Policy could be considered at this time.
9.4 The aims and objectives of the Overview and Scrutiny review are:-

Aims
• To investigate the impact of strip clubs in Tower Hamlets and approaches to regulation and licensing of such clubs.

Objectives
• To consider the legal framework for the licensing of strip clubs and what powers local authorities have for the regulation and licensing of strip clubs.
• To investigate the impact of strip clubs on the local community and employees.
• To consider the approach of other local authorities in the regulation and licensing of strip clubs and where the approach in Tower Hamlets may be made more effective.

9.4 The Licensing Act 2003 does not directly deal with striptease. However to be regulated by the Licensing Act 2003, striptease has to be a form of public dancing with music, or entertainment of a like kind to be exempt from the other legislation which in London controls “Sex Encounter Establishments.” Thus striptease is only regulated in the same way as any other dancing or musical activity. Any activity which goes beyond than striptease is not permitted in Tower Hamlets, as some years ago a limit of zero was set for “sex encounter establishments”

9.5 Analysis – All of the responses were in favour of the amended wording to the consultation. Following Legal Services have been consulted and it has been confirmed the policy will also cover the following:-

• Emphasise the limitation of the permission granted, as only striptease should only be predominantly the performance of dance to music.
• Where its discretion is engaged, the Licensing Authority (the Licensing Authority exercises discretion only when representations and objections against Licence applications are received) will make enquiries to ensure that the proposed application is indeed for music and dance and not an activity which is caught by the Sex Encounter establishment legislation.
• All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives
• Applications involving adult entertainment are unlikely to be successful (within the constraint that all applications must be considered on their merits) where they are:
A. within close proximity to residential housing
B. premises such as schools, playgrounds, places of worship, and community centres
C. All applications that do not specifically request nudity or semi-nudity will have a condition imposed which forbids it. This will be true for both opposed and unopposed applications

9.6 **Recommendation** – The recommended amended policy for striptease is in section 3 of Appendix 2 to this report. The main changes are

- To emphasise the difference between regulated activity and sex encounter establishments
- Whilst acknowledging that all cases will be dealt with on their merits, introduce a presumption that applications to hold striptease is unlikely to be successful if premises are near to :-
  - residential accommodation;
  - schools;
  - places of worship;
  - other premises where entertainment of a similar nature takes place;
  - community centres; and
  - youth clubs.

9.7 **Impact** – The change to the policy will further clarify and enhance the current policy to ensure that striptease where, it is legally proposed or taking place is as controlled and regulated as possible.

10. **Core Framework Hours**

10.1 **Issue** - There is sometimes a tension between applicants and local residents or businesses over the hours of operation of premises. This does not and indeed cannot mean that applications outside the core time are refused but it helps to clarify the issues the Licensing Authority will expect to be addressed by applicants when a Licensing application is being formulated. The emphasis will be on applicants to demonstrate how they are going to ensure that the Licensing objectives are being addressed if they operate outside the Core Framework Hours.

10.2 **Analysis** – There is clear consensus that the Core Framework Hours should be adopted. There was however a wide divergence of views about what times should be adopted. The Licensing Policy has to strike a balance between the contending needs of local businesses and local residents. The recommended hours take account of this. The early start time reflects the hours of business for some premises with off-sales. There is no history of complaint from premises that open early.

10.3 **Recommendation** – It is recommended that the Core Framework Hours approach is adopted. The times recommended are

- Sunday - 06 00 hrs to 22 30 hrs
The recommended new wording to the policy is in Section 4 of Appendix 2

10.4 **Impact** – The change of policy will help focus businesses on their responsibilities if they wish to operate outside the Core Framework Hours.

11.0 **Risk Assessments**

11.1 **Issue** – A risk assessment is an examination of what could cause problems at an event so that the organiser can assess whether or not they have taken enough precautions. This is a procedural matter that has been previously raised by the Police. The original question focussed on Temporary Event Notices (TEN’s) (See para 12.1 for a definition) but in their response the Police have widened the issue to include other specified Licence applications. There have been concerns that some organisers of certain events are not effectively addressing their responsibilities. Applicants have put little or nothing into assessing risk and have run the risk of objections from the Responsible Authorities (The Responsible Authorities are the organisations that are statutory consultees i.e. the Police, Fire Service, Planning, Environmental Health, Trading Standards and Child Protection).

11.2 **Analysis** - In their detailed reply the Metropolitan Police have produced wording that they are recommending all London Borough’s adopt. The wording the Police are asking for has sought to make clear to applicants the Police’s expectations in relation to the licensing objective of the prevention of crime and disorder. This initiative has the support of London Councils.

11.3 The British Pub and Beer Association, in its late submission has suggested that the Licensing Policy cannot cover anything to do with temporary event notices, as the Police either object or they do not.

11.4 **Recommendation** - That the wording agreed between the Metropolitan Police and the London Councils is adopted. The submission of the British Pub and Beer Association is not accepted. It is true that in relation to TEN’s applicants are not required to contact the Police or explain what they are doing before they apply for a notice, but failure to assess and deal with the issues of crime and disorder may well lead to an objection by the Police, so it is useful for applicants to have a reference point which spells out expectations.

12.0 **Temporary Event Notices**

12.1 **Issue** – The current Licensing Policy does not include an explanation of the process relating to Temporary Event Notices (TEN’s) – Temporary
Event Notices relate to “one off” events with a capacity under 500 persons. Only a very limited application needs to be made for a TEN’s.

12.2 **Analysis** - There is a clear consensus in favour of having the process for Temporary Event Notices included in the Licensing Policy.

12.3 **Recommendation** - The addition to the policy essentially explains to applicants and the public how the process works. The recommended wording is contained in Section 6 of Appendix 2.

13.0 **Reviews**

13.1 **Issue** - The Licensing Act 2003 has provided local residents and businesses as well as the Responsible Authorities, such as the Police with the power to review an existing licence. The grounds however are limited and the procedure is controlled by legislation. Experience has suggested local residents and businesses would find it helpful for the Licensing Policy to contain a brief description of how the procedure works.

13.2 **Analysis** - There is a clear consensus in favour of adding guidance about the process involved in Reviews to the Licensing Policy.

13.3 **Recommendation** - Reviews are a way that Responsible Authorities or the local community can object to a licence that has been granted and potentially get it altered or revoked. Therefore the wording contained in Section 7 of Appendix 2 is recommended for adoption.

14. **Other Issues**

14.1 There was an invitation in the consultation process for consultees to make any comments that related to any other aspect of the Licensing Policy.

14.2 The issues raised that have led to a change in policy are

- Display of “No Travellers” Signs
- Movement of Designated Premises Supervisors

14.3 The issues raised which did not result in any policy change are included in sections 9, 10, 11 and 12 of Appendix 1.

14.4 **Display of “No Travellers” Signs** - There has been a recent incidence of a public house putting up a sign which excluded travellers. The matter was resolved informally by contacting the licence holders, but it also raised the question of what actions the licensing authority could take against a similar practices which were against the public interest of social cohesion.

14.5 **Response & Recommendation** - The licensing authority is constrained by the limits of the legislation and cannot simply insert a standard term outlawing any attempt to exclude or discourage any adult minority group from attending a premises it licences. However, in appropriate
circumstances and where an appropriate representation is made that without such a licence condition the licensing objective of the prevention of crime and disorder will be hindered then an appropriate term can be inserted. The new wording for this issue is in Section 9 of Appendix 2

14.6 Movement of Licence Holders / Designated Premises Supervisors –
There are two designations of responsible persons named on a licence who manage licensed premises. These are the Licence Holder and the Designated Premises Supervisor. There have been occasions where Licence Holders and the Designated Premises Supervisor have moved on from premises. It has been suggested that wording should be added to the policy that reasserts that the Licence Holder and the Designated Premises Supervisor remain responsible in law until they have informed the Licensing Authority and if relevant arranged a transfer.

14.7 Response - The policy has been amended to address this issue. The amended wording is in Appendix 8 of Appendix 2.

15.0 Comments from Licensing Committee

15.1 The Licensing Committee considered the report on Licensing Policy on 2nd October 2007 and also had a verbal update on the key changes with regard to striptease that had come from further legal advice. The Committee noted the report and was happy for the suggested alterations to the Licensing Policy to go forward.

15.2 The Licensing Committee were informed about the current Overview and Scrutiny work in relation to striptease and anticipated revisiting the matter after the conclusion of that work. They were concerned about the impact of striptease premises in the Borough, especially in residential or similar areas. They were also concerned that children were effectively excluded from such premises, especially where adult entertainment was an intermittent feature. Such premises may have unsuitable material on a permanent basis on site.

15.3 The Licensing Committee remained concerned about the negative impact of a minority of temporary events in the Borough which generated a number of residential complaints, but appreciated the limited control given by the statute.

15.4 The Licensing Committee agreed with wider community consultation that was carried out for the Policy Review

15.5 The Licensing Committee noted the proposals to extend consult with local businesses and residents for premises licences.

16.0 Concurrent Report of the Assistant Chief Executive (Legal)
16.1. Pursuant to section 5(1) the Licensing Act 2003 Local Authorities are required to, on a 3-yearly basis, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. The determination of this Policy is a matter for Full Council.

16.2. The Council’s current policy was determined on 8\textsuperscript{th} December 2004. It is therefore required to be republished on or before 8\textsuperscript{th} December 2007. As part of the process of republishing, the Local Authority reviews the policy and will make revisions to it, as appropriate. In republishing the policy, the Council must undertake certain statutory consultation and this report is advising Members of the outcome of the review and consultation and proposed changes to the Policy.

16.3. As part of review process, Legal Services has been asked to consider three (3) main areas of identified concern. In no particular order, these are striptease, planning and consultation.

16.4. Dealing firstly with striptease, and which for the sake of clarity includes pole- and table-dancing, it is confirmed that striptease can lawfully be provided pursuant to a Premises Licence. To be lawfully provided, however, the activity must primarily be music and dance with the removal of clothes. If the \textit{modus operandi} is not that then the striptease can only lawfully be provided by way of a Sexual Encounter Establishment Licence. The legislation dealing with such, that is the Local Government (Miscellaneous Provisions) Act 1982 (as amended), allows Local Authorities to set a limit on the number of such premises it allows and the Council has set a nil limit.

16.5. In light of this, the Policy will reflect that only striptease and which must primarily be music and dance with the removal of clothes can be permitted under a Premises Licence. Any other form of striptease will require a Sexual Encounter Establishment Licence and which will not be granted as the Council has set a nil limit on such.

16.6. Also with regard to striptease, when an applicant submits an application for a Premises Licence (or a variation thereof), the applicant is required to give details of any entertainment of an adult nature. If no such is stated, then a condition will be imposed that forbids nudity or semi-nudity at the premises. This condition will be imposed regardless of whether or not there are representations (objections) and it is considered that the imposition of such a condition is fully consistent with the applicants operating schedule. This will therefore reduce the risk of premises acquiring a Premises Licence without any reference to nudity or semi-nudity and subsequently introducing such entertainment.

16.7. Finally as to striptease, it should be noted that Overview and Scrutiny is examining both Licensing and the wider issues around striptease as part of the sex industry. It may well be that as a result of this that the Council would wish to review its Policy. In that regard, section 5(4) of
the Licensing Act 2003 requires that during the three year period that
the Policy is in force that a licensing authority must keep its policy
under review and make such revisions to it, at such times, as it
considers appropriate. The Council does not therefore have to wait
another three (3) years before it can make changes to is Policy.

16.8. Turning now to Planning, the issue here has been whether the Council,
as licensing Authority, can refuse an application or refuse to consider
an application where the Council, as Planning Authority, has not given
appropriate planning consent. Case law has held that the two (2)
regimes of Licensing and Planning are separate and distinct and
therefore the Council cannot refuse a Licence where the premises
does not have appropriate planning consent.

16.9. As to refusing to consider an application, there is nothing within the
Licensing act 2003 or the latest Guidance issued by the Secretary of
State under section 182 of the Licensing Act 2003 that would sanction
such an approach. In fact, the Guidance states that “……applications
for licences may be made before any relevant planning permission has
been sought or granted by the planning authority” (see paragraph
13.64 of the Guidance).

16.10. That being said, successful applicants who do not have relevant
planning permission should be advised that the grant of the Licence
does not override the need to obtain planning permission and the fact
that they have a Premises Licence, it does not mean that they will
obtain planning permission as neither regime is dependant upon or
fettered by the decision of the other in any given case. Operating the
Licence without planning permission will leave the applicant open to
appropriate enforcement action being taken by Planning.

16.11. As to consultation, the issue here has been why cannot the Council
consult with residents. The latest Guidance issued by the Secretary of
state addresses this and allows licensing authorities to notify residents
living in the vicinity of premises by circular of premises making the
application. The Council cannot, however, charge the applicant for
this. The Council also needs to consider the term ‘vicinity’ as, in most
cases, vicinity could be an area of 40 metres from the premises. In
certain cases, however, where the capacity of venue is substantial, it
may well wish to consider notifying residents over a wider area. There
needs to be a built in discretion within the Policy that allows the council
to do this and it has been decide that this is appropriate where the
capacity of avenue is one thousand (1,000) or more.

17.0 Comments of the Chief Financial Officer

17.1 This report details the responses to the consultation carried out for the
three year review of Licensing Policy under the Licensing Act, an
analysis of the responses and suggested changes to the Policy, at this
stage there are no specific financial implications emanating from the report.

18.0 Equal Opportunities Implications

18.1 The existing policy already contains a section on Equalities issues. This section is still relevant and will be retained.

18.2 The only equalities issue that has been raised relates to the display of “no travellers” signs. The Policy has been altered to address this.

18.3 The Equalities Impact Assessment relating to the revised Licensing Policy is being carried out a draft has been completed and is being validated by through the Directorate of Environment &Culture and Corporate processes. The assessment be completed by the time the report is ratified by Full Council. The relevant reports will include the outcomes of the assessment.

18.4 The Council’s Licensing Service is closely linked to the Council’s Cultural Strategy. The Council places community and cultural events high on its agenda. This programme of activity is a key ingredient of community cohesion and involvement and increases the opportunities of the Borough’s residents to experience free entertainment and events. The Licensing Service oversees these events to ensure the Licensing objectives are achieved. The Licensing Policy underpins the administration of the licensable events.

19.0 Anti Poverty Implications

19.1 The Licensing Policy, amongst other things, attempts to create an environment where licensed activity can flourish. Since the implementation of the Licensing Act 2003, the number of licensed premises has increased by 10%.

20.0 Sustainable Action for a Greener Environment Implications

20.1 The Licensing objectives require Licensees to ensure they control public nuisance. If Licensees are exercising this responsibility in an appropriate way it will lead to local residents and businesses co-existing in a more harmonious way.

21.0 Risk Management Implications

21.1 The major risk is ensuring the revised Licensing Policy is approved by December 2007. Failure to do so could lead to legal challenges to decisions made by the Council.
Appendices

Appendix 1  The results of consultation
Appendix 2  The recommended changes to the Licensing Policy
Appendix 3  Draft Licensing Policy (complete version incorporating recommended changes in policy)
Appendix 1

1.0 Breakdown of Consultation Responses

1.1 The table below shows the categories and numbers of responses

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Number</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>41</td>
<td>60</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>Businesses</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>*Others (inc faith organisations, LAP and housing partnerships and one local MP.)</td>
<td>6</td>
<td>19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>68</strong></td>
<td><strong>100</strong></td>
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</table>

1.2 Two respondents covered more than one capacity and have therefore been counted twice. A number of local residents gave a single response in more than one name. These have only been counted as one response. Multiple entries have been reduced to one. The Metropolitan Police made two responses, from two different sections, one of which was via the London Councils organisation, but has, for simplicity been counted as a responsible authority. Each Metropolitan Police submission has been counted separately. The topics they cover overlap, but only in relation to the general topic of risk assessments.

1.3 The British Beer and Pub Association sent a general letter on the 18 July 2007 to Councils about licensing policy. This has been included. They also responded in detail to the consultation but this was received out of time, and has not been included. However some references are made to it.

1.4 A number of other responses were received out of time and these have not been included. However reference is made to them where they raise specific issues that need to be considered.

2.0 Extending Consultation on Applications for Premises Licences

2.1 The question was as follows:

“I would like the consultation for premises or club applications to include a letter from Tower Hamlets Council to all local residents and businesses that are within 40 metres of the premises.”
<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses</th>
<th>Agree (%)</th>
<th>Disagree (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>41</td>
<td>41 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>7</td>
<td>7 (100)</td>
<td>0 (0)</td>
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<tr>
<td>Businesses</td>
<td>9</td>
<td>2 (22)</td>
<td>7 (78)</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>2</td>
<td>2 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
<td>5 (83)</td>
<td>1 (16)</td>
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<tr>
<td>Overall totals</td>
<td>65</td>
<td>57 (88)</td>
<td>8 (13)</td>
</tr>
</tbody>
</table>

2.2 All of the respondents agreed to additional consultation with the exception of businesses and Tower Hamlets Community Housing.

2.3 In addition a number of comments were made concerning the 40m proposed distance for consultation. From residents two were in favour of 50m. Three were in favour of 100m, with a further one in favour of 50 or 100m. One was in favour of 1500m to 2000m. One business (who was also a resident) was in favour of 100m.

2.4 One resident expressed the view that the applicant should pay for all consultation. However, there is no lawful mechanism available that the Council can use to achieve this.

2.5 The Metropolitan Police have made two separate points about this. Firstly, that a rigid geographic area doesn’t address the issue of cumulative impact, and secondly that Local Area Partnership Forums should be used more, at least by communicating with the LAP Director.

2.6 **Response** - The Police are correct in their first point. However, cumulative impact is a separate issue, and is covered elsewhere in the Licensing Policy. (see 6.1 of the Licensing Policy)

2.7 The second point however would be quite problematic. LAPS are not able to make representations under the Licensing Act 2003 at all. Consequently involving them would be likely to cause confusion, and lead to ineffective representations.

3.0 Planning

3.1 The question was as follows:

“*I think the suggested wording concerning planning should be added to Tower Hamlets Council’s existing policy.*”

<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses</th>
<th>Agree (%)</th>
<th>Disagree (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>41</td>
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<tr>
<td>Responsible Authorities</td>
<td>1</td>
<td>1(100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---</td>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
<td>5(83)</td>
<td>1(17)</td>
</tr>
<tr>
<td>Overall totals</td>
<td>64</td>
<td>63 (98)</td>
<td>1 (2)</td>
</tr>
</tbody>
</table>

3.2 With the exception of two responses there was universal agreement from those that answered that the wording relating to planning should be altered.

3.3 There were two comments in more detail on this issue. The first was from the Metropolitan Police. They are concerned that it is not clear how planning matters are to be dealt with by the Council as a whole. They suggest signposting this in the policy. The second is from a local resident. They express frustration that planning is not a licensing objective. They suggest that the Licensing sub-Committee should refuse to agree anything outside an existing planning consent. They also feel that the new guidance issued by the Secretary of State makes this clear.

3.4 **Response** - There is no reason why the statement of Policy should not direct planning issues to the planning authority, in order to aid both applicants and others. The licensing sub-committee cannot automatically refuse any application, and the Government advice makes this clear. Of course not all applications go to a hearing, and unless an adverse representation is received a licence must be granted as applied for.
4.0 Striptease

4.1 The question was as follows:

“I think the suggested wording concerning striptease should be added to Tower Hamlets Council’s existing policy.”

<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses</th>
<th>Agree (%)</th>
<th>Disagree (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>39</td>
<td>39 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>6</td>
<td>6 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Businesses</td>
<td>9</td>
<td>9 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>1</td>
<td>1 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
<td>6 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Overall totals</td>
<td>61</td>
<td>61 (100)</td>
<td>0 (0)</td>
</tr>
</tbody>
</table>

4.2 One resident stated that we already have enough sex shows. One of the businesses that responded confined themselves to the issue of striptease and supplied the detail of a suggested Code of Practice.

4.3 The Metropolitan Police have made comments on this issue. They support the general approach proposed but are concerned that the limitations of the licensing authority are made clear, i.e. that the policy only has any impact if the licensing authorities discretion is engaged. They are also concerned that the language should be simple.

4.4 Response - The Licensing Policy cannot include a blanket statement that all striptease will be refused. The police point about limitations on discretion is correct, and, of course applies to all the policy issues. This can be dealt with by a general statement, in relation to the exercise of discretion. The language is carefully chosen to ensure the policy is lawful.

5.0 Core Framework Hours

5.1 There were two questions asked about hours. The first related to the idea of creating a presumptive standard of certain hours, so that applicants who want to exceed those core hours are advised to specifically address how that will work. The second question therefore was what hours would you consider to be core.

5.2 The analysis of responses shows both replies, and in the case of hours shows the range of replies. Some of those who replied gave a start time as well as an end time, but many only gave an end time.

5.3 The questions were as follows:
“I think the suggested wording concerning hours should be added to Tower Hamlets Council’s existing policy”

“I agree with setting hours but believe the correct hours should be:”

5.4 The response to the first question (core times) was as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses</th>
<th>Agree (%)</th>
<th>Disagree (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>40</td>
<td>39 (98)</td>
<td>1 (3)</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>7</td>
<td>7 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Businesses</td>
<td>9</td>
<td>7 (78)</td>
<td>2 (22)</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>2</td>
<td>2 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
<td>4 (67)</td>
<td>2 (33)</td>
</tr>
<tr>
<td>Overall totals</td>
<td>64</td>
<td>59 (92)</td>
<td>5 (8)</td>
</tr>
</tbody>
</table>

5.5 The Metropolitan Police have commented in detail on this issue. They generally support this approach and they suggest that 02 00 hrs should be the standard and virtually nothing permitted after then. They also suggest the staggered hours approach has had little impact on hotspots such as Brick Lane. They also caution that the hours set must be evidentially based. They ask if staggered hours will now be removed from the policy.

5.6 **Response** - Any core time that is set is only a presumptive standard. A staggered hours approach is not incompatible with core hours, as they address different issues. Core hours is intended to raise residential impact more clearly, staggered hours primarily relates to crowd management. A reference to staggered hours will be retained.

5.7 The answer to the second question (what should core times be) was as follows, broken down by categories of reply:

5.8 The response from residents was as follows:-

<table>
<thead>
<tr>
<th>Hours-start time (hrs)</th>
<th>Sunday Numbers %</th>
<th>Monday to Thursday Numbers %</th>
<th>Friday and Saturday Numbers %</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 09 00</td>
<td>2 (13)</td>
<td>4 (24)</td>
<td>4 (24)</td>
</tr>
<tr>
<td>At or before 10 00 hrs</td>
<td>1 (6)</td>
<td>1 (6)</td>
<td>1 (6)</td>
</tr>
<tr>
<td>At or before 11 00 hrs</td>
<td>1 (6)</td>
<td>1 (6)</td>
<td>1 (6)</td>
</tr>
<tr>
<td>At or before midday</td>
<td>10 (63)</td>
<td>8 (47)</td>
<td>8 (47)</td>
</tr>
<tr>
<td>Later</td>
<td>2 (13)</td>
<td>3 (18)</td>
<td>3 (18)</td>
</tr>
<tr>
<td>Totals</td>
<td>16</td>
<td>17</td>
<td>17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hours-closing time</th>
<th>Sunday</th>
<th>Monday to</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>(hrs)</td>
<td>Thursday</td>
<td>Saturday</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>At or before 22 00 hrs</td>
<td>5 (19)</td>
<td>2 (7)</td>
<td></td>
</tr>
<tr>
<td>At or before 2300 hrs</td>
<td>18 (67)</td>
<td>14 (52)</td>
<td></td>
</tr>
<tr>
<td>At or before 2400 hrs</td>
<td>4 (15)</td>
<td>11 (40)</td>
<td></td>
</tr>
<tr>
<td>At or before 010 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td></td>
</tr>
<tr>
<td>At or before 02 00 hrs</td>
<td>0 (0)</td>
<td>3 (10)</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>27</td>
<td>31</td>
<td></td>
</tr>
</tbody>
</table>

5.9 Three residents wanted complete closure on Sundays. A number added conditions that would in effect reduce core hours further. One wanted special hours where there is a wall in common with a licensed premises. One resident expressed concern that the Council was not balancing conflicting needs correctly.

5.10 **Response:** There is little evidence of the need to close all regulated premises all day on Sunday. A core hours approach does not permit further qualifications based on the type of entertainment or varying proximity to residential properties. There are few complaints from local residents or businesses that would justify a core start time. Each application, of course has to be considered on its own merits.

5.11 The response from Residents Associations were as follows:

<table>
<thead>
<tr>
<th>Hours-start time (hrs)</th>
<th>Sunday</th>
<th>Monday to Thursday</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 09 00</td>
<td>0 (0)</td>
<td>1 (33)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 10 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 11 00 hrs</td>
<td>1 (50)</td>
<td>1 (33)</td>
<td>1 (33)</td>
</tr>
<tr>
<td>At or before midday</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Later</td>
<td>0 (0)</td>
<td>1 (33)</td>
<td>2 (66)</td>
</tr>
<tr>
<td>Totals</td>
<td>1 (50)</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hours-closing time (hrs)</th>
<th>Sunday</th>
<th>Monday to Thursday</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 22 00 hrs</td>
<td>2 (50)</td>
<td>1 (17)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 2300 hrs</td>
<td>2 (50)</td>
<td>5 (83)</td>
<td>2 (33)</td>
</tr>
<tr>
<td>At or before 2400 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>2 (33)</td>
</tr>
<tr>
<td>At or before 010 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>2 (33)</td>
</tr>
<tr>
<td>At or before 02 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Totals</td>
<td>4</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>
5.12 Two residents associations wanted closure all day on Sunday

5.13 **Response** - There is little evidence of the need to close all regulated premises all day on Sunday. Equally, there are few complaints from local residents or businesses that justify a core start time.

5.14 The response from businesses was as follows:

<table>
<thead>
<tr>
<th>Hours-start time (hrs)</th>
<th>Sunday</th>
<th>Monday to Thursday</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 09 00</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 10 00 hrs</td>
<td>2 (50)</td>
<td>1 (25)</td>
<td>2 (50)</td>
</tr>
<tr>
<td>At or before 11 00 hrs</td>
<td>1 (25)</td>
<td>2 (50)</td>
<td>2 (50)</td>
</tr>
<tr>
<td>At or before midday</td>
<td>1 (25)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Later</td>
<td>0 (0)</td>
<td>1 (25)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Totals</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hours-closing time (hrs)</th>
<th>Sunday</th>
<th>Monday to Thursday</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 22 00 hrs</td>
<td>1 ()</td>
<td>1 (0)</td>
<td>1 ()</td>
</tr>
<tr>
<td>At or before 2300 hrs</td>
<td>1 ()</td>
<td>0 (0)</td>
<td>0 ()</td>
</tr>
<tr>
<td>At or before 2400 hrs</td>
<td>2 ()</td>
<td>2 ()</td>
<td>2 ()</td>
</tr>
<tr>
<td>At or before 010 hrs</td>
<td>0 (0)</td>
<td>1 ()</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 02 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>1 (0)</td>
</tr>
<tr>
<td>Totals</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

5.15 The response from other organisations was as follows:

<table>
<thead>
<tr>
<th>Hours-start time (hrs)</th>
<th>Sunday</th>
<th>Monday to Thursday</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 09 00</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 10 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 11 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before midday</td>
<td>1 (100)</td>
<td>1 (100)</td>
<td>1 (100)</td>
</tr>
<tr>
<td>Later</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Totals</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hours-closing time (hrs)</th>
<th>Sunday</th>
<th>Monday to Thursday</th>
<th>Friday and Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>At or before 09 00</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 10 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before 11 00 hrs</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>At or before midday</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
5.16 One organisation suggested zoning, and a concern about the growth of the number of clubs in the Borough.

5.17 *Response* - Zoning is not permitted by the Licensing Act 2003.

5.18 *Responsible Authorities* - The Metropolitan Police have suggested 02 00 hrs as the core closing time.

5.19 *Response* – This response is based more on a crime and disorder perspective, rather than looking at disturbance to local residents and businesses. It is interesting to note that the main responsible authority was not impressed by the impact of staggered hours on crime and disorder. It should be noted that Government guidance is in favour of staggered finishing times. As previously noted this policy does not stop staggered closing.

6.0 **Risk Assessments**

6.1 The question related to the “one off” permissions that can be obtained under the Act. The question read as follows:

“I think the suggested wording describing how temporary event notices are obtained should be added to Tower Hamlet’s existing Policy.”

6.2 The responses received were as follows:-

<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses</th>
<th>Agree (%) Total responses</th>
<th>Disagree Total responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>41 (65)</td>
<td>39 (95)</td>
<td>2 (5)</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>7 (11)</td>
<td>7 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Businesses</td>
<td>8 (13)</td>
<td>6 (75)</td>
<td>2 (25)</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>1 (2)</td>
<td>1 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Others</td>
<td>6 (10)</td>
<td>6 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td><strong>Overall totals</strong></td>
<td><strong>63</strong></td>
<td><strong>59</strong></td>
<td><strong>4</strong></td>
</tr>
</tbody>
</table>
6.3 The Metropolitan Police made two detailed submissions about risk assessments. One was via the London Councils, an umbrella organisation of all the London Boroughs. The suggested wordings go further than just Temporary Events, although it is here that they will have the greatest impact, as the events cannot really be repetitive.

6.4 One resident has raised the issue of planning as permissions for events. However, the only grounds the Police can use for objecting to a temporary event notice relates to crime and disorder. Nothing else can be considered.

6.5 **Response** - There is clearly a consensus in favour of the suggested alteration. The Metropolitan Police have put forward a suggestion to all London Boroughs which looks at risk assessments overall, in relation to crime and disorder. There is a distinction between Temporary Events and others in that temporary events do not have conditions and the only mechanism of control open to the Metropolitan Police is to object to the licence. However, applicants will benefit from a clear statement of the Police’s expectations in relation to their application.
7.0 Temporary Event Notices Processes

7.1 The Licensing Policy does not currently explain to potential applicants, or interested members of the public how the temporary event procedure works. The question that was asked was as follows:

“I think the suggested wording describing how temporary event notices are obtained should be added to Tower Hamlet’s existing Policy.”

7.2 The responses received were as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses %</th>
<th>Agree (%) Total responses %</th>
<th>Disagree Total responses %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>40 (63)</td>
<td>39 (97)</td>
<td>1 (2)</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>7 (11)</td>
<td>7 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Businesses</td>
<td>8 (13)</td>
<td>7 (75)</td>
<td>2 (25)</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>2 (3)</td>
<td>2 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Others</td>
<td>6 (10)</td>
<td>6 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Overall totals</td>
<td>63</td>
<td>60</td>
<td>4</td>
</tr>
</tbody>
</table>

7.3 The Metropolitan Police have asked that the policy directs applicants for TEN’s to go to a particular Police station Monday to Friday before 14 00 hrs, and that time runs from receipt by the Police. However, these points cannot be incorporated into the policy, because they are controlled by Statute and Regulations, so the policy would have no effect, and potentially be confusing.

8.0 Reviews

8.1 Licensing Policy does not currently explain to local residents or businesses (including those being reviewed) how the review procedure works. Reviews are the mechanism by which a licence can be altered or revoked following application by local residents, businesses or a responsible authority. The question that was asked was as follows:

“I think the suggested wording describing the review procedure should be added to Tower Hamlet’s existing policy.”
8.2 The responses received were as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Total responses</th>
<th>Agree (%)</th>
<th>Disagree (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local residents</td>
<td>39 (63)</td>
<td>38 (97)</td>
<td>1 (3)</td>
</tr>
<tr>
<td>Residents Associations</td>
<td>7 (11)</td>
<td>7 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Businesses</td>
<td>8 (13)</td>
<td>6 (75)</td>
<td>2 (25)</td>
</tr>
<tr>
<td>Responsible Authorities</td>
<td>2 (3)</td>
<td>2 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Others</td>
<td>6 (10)</td>
<td>6 (100)</td>
<td>0 (0)</td>
</tr>
<tr>
<td><strong>Overall totals</strong></td>
<td><strong>62</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9.0 Other Issues from Consultation - from Businesses

9.1 **Circus Performances** - The Association of Circus Proprietors of Great Britain has raised the issue of the problems the Licensing Act has created for all circus performances. The Government has advised that circus performances need a licence, both most licensing authorities do not agree with that view. If a licence is needed then an application is needed for each site.

9.2 **Response** - The comments are correct. The view of this licensing authority is that generally a Circus does not require a licence unless alcohol is sold. Limited licensing of open spaces, which is proposed by the Borough will also help circus performances.

9.3 **Striptease** - Vanquish Assets Ltd. have supplied a code of conduct for table dancing and similar. This relates to the proposal that the Police approve codes of practice (see new 15.3 of the Licensing Policy).

9.4 **Response** - This is not an issue for the Licensing Policy. The document will be examined and used in cooperation with the Police to develop Codes of Conduct for premises holding striptease.

9.5 **Administration of the Act** - The British Beer and Pub Association raised concerns about inappropriate requirements, such as that applications have to be completed in a specified manner other than as prescribed by regulations.

9.6 **Response** - The licensing policy does not have any such requirements.

9.7 **Standard Conditions** - The British Beer and Pub Association object to blanket or standard conditions.

9.8 **Response** - The licensing policy does not have such conditions.
9.9 **Enforcement** - The British Beer and Pub Association object to inspections taking place without a reason.

9.10 **Response** - Inspections in this authority are complaint led, or based on a risk assessment, or thematic. This does include a proportion of random inspections on low risk premises.

9.11 **Public policy objectives of regulation (Hampton principles)** - The British Beer and Pub Association raise the issue of the Hampton principles. (Hampton promotes the creation of a regulatory system, in which risk assessment is the basis for all regulators’ enforcement programmes, and which is designed to balance the provision of public protection with support for economic development.).

9.12 **Response** - The Licensing Authority generally subscribes to these principles. There is no need to repeat in the Licensing Policy

10.0 **Other Issues from Consultation - from Responsible Authorities**

10.1 **Role of the Licensing Policy** - The Metropolitan Police has suggested that the policy should describe the role of the licensing authority.

10.2 **Response** - This is not really a policy matter. Applicants are provided with considerable material about what to do, which is also available on the web.

10.3 **Movement of Licence Holders / Designated Premises Supervisors** - There are people who move on from being a licence holder or designated premises supervisor who do nothing to inform the Police or the licensing authority of the change in circumstances. It is suggested that wording can be added to the policy to make clear our expectations. The difficulty the Act has created is that legal responsibility does not move until such notification, but effective management of the premises has ceased.

10.4 **Response** – This issue is accepted and policy change recommended.

11.0 **Other Issues from Consultation - from Local Residents**

11.1 **Notification of Responsible Authorities** - The importance of all Responsible Authorities being aware of all applications that are made and being given the opportunity to comment was raised.

11.2 **Response** - This is a requirement of the legislation, and so does not need further statement.

11.3 **Notices on Premises** - The need to display hours on premises, by way of a notice was raised.
11.4 **Response** - This is a matter of enforcement not policy, as it is a legal requirement.

12.0 **Other Issues from Consultation** - from Members

12.1 **Display of “No Travellers” signs** – One member has questioned the practice of displaying “No travellers signs” on licensed premises. There has been a recent incidence of a public house putting up a sign which excluded travellers. The matter was resolved informally by contacting the licence holders, but it also raised the question of what actions the licensing authority could take against a similar practices which were against the public interest of social cohesion.

12.2 **Response** - The licensing authority is constrained by the limits of the legislation and cannot simply insert a standard term outlawing any attempt to exclude or discourage any adult minority group from attending a premises it licences. However, in appropriate circumstances and where an appropriate representation is made that without such a licence condition the licensing objective of the prevention of crime and disorder will be hindered then an appropriate term can be inserted.
Appendix 2

Recommended additions and amendments to the Licensing Policy

1.0 Consultation
(after 4.13 in current policy add as 4.14 to 4.15)

4.14 The consultation with local residents about a premises or club which is applying for a licence is carried out by the business which is applying for the licence.

4.15 Notification of applications under the Licensing Act 2003 is limited to an advertisement in a local paper and the display of a pale blue notice on the premises, both done by the applicant.

4.16 Following consultation the Licensing Authority has determined to itself contact all residents and businesses within 40 metres 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.

4.17 For larger events and premises of a capacity of more than 1000 persons the Council will carry out a reasonable and relevant level of consultation with local residents and businesses. The scope of this consultation will be decided by the Licensing Service Manager.

4.18 The consultation period will not be extended, any failure by the licensing authority to carry out this consultation is not grounds for refusing or delaying any application.

2.0 Planning

(Delete 14.5 and 14.6 from the current policy. Insert new 14.5 to 14.9)

14.5 Planning, Building Control and Licensing regimes are properly separated by the Licensing Authority, who wishes to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

14.6 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.

14.7 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.

14.8 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.

14.9 Applicants for new premise or club licences or variations of them are advised to consult the London Borough of Tower Hamlets’ Planning Authority about any planning restrictions which may apply to their premises. The Planning website is http://www.towerhamlets.gov.uk/data/planning/index.cfm.

3.0 Striptease

(Delete the 15.3 from current policy and insert 15.3 to 15.8)

15.3 The licensing authority when its discretion is engaged will always consider all applications on their individual merits, however all applications involving adult entertainment of nudity or semi-nudity are unlikely to be successful where the premises is in the vicinity of:

- residential accommodation;
- schools;
- places of worship;
- other premises where entertainment of a similar nature takes place;
- community centres; and
- youth clubs.
15.4 Only nudity or semi-nudity which is predominantly the performance of
dance to music is permitted by this policy. Sex Encounter
establishments are controlled by the Local Government (Miscellaneous
Council (General Powers) Act 1986, and the London Borough of Tower
Hamlets has set a limit of zero on such establishments. The licensing
authority will appropriately monitor the premises it has licensed to
ensure that all performances involving nudity or semi-nudity are dance
to music or a like entertainment, and take appropriate enforcement
action if they are not.

15.5 Where its discretion is engaged the licensing authority will make
enquiries to ensure that the proposed application is indeed for music
and dance and not an activity which is caught by the Sex Encounter
establishment legislation.

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

15.7 All applications that do not specifically request nudity or semi-nudity will
have a condition imposed which forbids it. This will be the case for both
opposed and unopposed applications.

15.8 Where applications involving nudity or semi-nudity are made and its
discretion is engaged the Licensing Authority will expect Operating
Schedules to address the following matters and to include such
conditions as are necessary to promote the licensing objectives:

A. A code of conduct for dancers and appropriate disciplinary
procedures, developed in consultation with the police and the
council.
B. Rules of conduct for customers, developed in consultation with
the police and the council.
C. Procedures to ensure that all staff employed in the premises
have pre-employment checks including suitable proof of identity,
age and (where required) permission to work.
D. The exclusion of persons under 18 from the premises when
such activities are taking place.
E. That publicity and advertising does not cause offence to
members of the local community

4.0 Core Framework Hours

(Delete 12.1 to 12.3 form current policy and insert new 12.1 to 12.9)

12.1 This Part of the Statement details the Licensing Authority’s approach to
licensing hours. It states the reasons for the policy and identifies the
issues the Licensing Authority will take into account when considering
applications during the framework hours. It only has any application
when the discretion of the local authority is engaged.
12.2 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.

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

12.4 Any condition setting out the hours of premises refers to the hours during which alcohol may be sold or supplied or (as appropriate) the hours during which other licensable activities may take place pursuant to the premises licence or club premises certificate. In attaching conditions on hours the Licensing Authority will generally require that customers should not be allowed to remain on the premises later than half an hour after the cessation of licensable activities.

12.5 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.

12.6 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.

12.7 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.
12.7 The framework hours (i.e. when premises are open) are

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

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

- 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).
- 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.
- The adequacy of the applicant’s proposals to address the issues of (a) the prevention of crime and disorder and (b) the prevention of public nuisance.
- Where the premises have been previously licensed, the past operation of the premises.
- 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.
- The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

12.9 Applicants who apply for authorisation to carry on licensable activities, throughout the entirety of the hours outside the framework hours, when they do not intend to operate at these times run a risk that Responsible Authorities and interested parties may be more inclined, than they might otherwise be, to make relevant representations about the application. Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when considering applications to carry on licensable activities outside the framework hours. Subject to any relevant representations that may be made to the contrary in individual cases, premises where the following licensable activities are authorised are not considered to make a significant contribution to the problems of late-night antisocial behaviour, and as such these premises will generally have greater freedom to operate outside the framework hours. These premises are:-

- Theatres.
- Cinemas.
- Premises with a club premises certificate.
- Premises licensed for the sale of alcohol for consumption off the premises only.

5.0 Risk Assessments

(New section with appropriate numbering – The wording below is that proposed by the Metropolitan Police and London Councils.)

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.

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.

3 Forms 696 and 696A are available on the Metropolitan Police web completion and transmission of the forms is undertaken by licensees. E-mail site at (please insert hyperlink). It is recommended that electronic addresses for submission are ClubsFocusDesk-CO14@met.police.uk and (insert local authority email and MPS borough licensing unit)

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.

5 The Premises Licence Conditions proposed by can be recommended as part of a pool of standard conditions. They will not, of course, 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.

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.

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.

8 Note: Definition of a ‘Significant Event’

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

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 artiste; 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.

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

6.0 Temporary Event Notices Process

(New section with appropriate numbering)

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

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

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

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

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

7.0 Review Process
(New section with appropriate numbering)

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

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

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

4 Initiating Reviews - At any stage, following the grant of a premises licence, any of the Responsible Authorities or any interested party, such as a resident living in the vicinity of the premises, 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. The Police and Environmental Health Officers have various additional powers of closure. The Licensing Authority cannot initiate its own reviews of premises licences, however, officers of the London Borough
of Tower Hamlets who are specified as Responsible Authorities under the Act may request reviews

5 In every review case an evidential basis for the allegations made will need to be submitted to the Licensing Authority. When a request for a review is initiated from an interested party, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.

6 Where the Licensing Authority receives a request for a review in accordance with the closure procedures contained in legislation it will arrange a hearing in accordance with the regulations set out by the Government.

7 **Powers following determination of review** - The Licensing Authority in determining a review may exercise the range of powers given to them to promote the licensing objectives. The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:

   - Modifying the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition temporarily or permanently);
   - Excluding a licensable activity from the scope of the licence;
   - Removing the designated supervisor;
   - Suspending the licence for a period not exceeding three months;
   - Revoking the licence.

8 Steps that can be taken by the Council include:

   - Taking no action;
   - Issuing an informal warning;
   - Recommending improvements within a particular time;
   - Monitoring by regular inspection and invite to seek a further review if problems persist.

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.

8.0 **Responsibility of Licence Holders and Designated Premises Supervisors**  
(New section with appropriate numbering)

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

9.0 “No Traveller” and similar signs

(New section with appropriate numbering)

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. 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.