



Meeting of the

# TOWER HAMLETS COUNCIL

---

Wednesday, 8 December 2010 at 7.30 p.m.

---

## A G E N D A

---

### VENUE

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

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

John S Williams, Service Head, Democratic Services  
Tel: 020 7364 4204, E-mail: [johns.williams@towerhamlets.gov.uk](mailto:johns.williams@towerhamlets.gov.uk)



Chief Executive's  
Directorate

Democratic Services  
Tower Hamlets Town Hall  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel       **020 7364 4204**  
Fax       **020 7364 3232**

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.30 p.m.** on **WEDNESDAY, 8 DECEMBER 2010**

Kevan Collins  
**Chief Executive**

# LONDON BOROUGH OF TOWER HAMLETS

## COUNCIL

WEDNESDAY, 8 DECEMBER 2010

7.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

PAGE  
NUMBER

### 2. DECLARATIONS OF INTEREST

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

1 - 2

### 3. MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Council held on 27<sup>th</sup> October 2010. The draft minutes are attached.

3 - 40

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

### 5. TO RECEIVE ANY PETITIONS

Details of the petitions received for presentation at this meeting are set out in the attached report.

41 - 44

### 6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

The question(s) which have been received from members of the public to be put at the meeting are set out in agenda item 6 attached. A maximum of 20 minutes is allowed for this agenda item.

45 - 46

### 7. ELECTED MAYOR'S REPORT

In accordance with the changes to the Council's Constitution agreed at the meeting on 27<sup>th</sup> October 2010, provision is made at each ordinary Council meeting for the Elected Mayor to give a report.

A maximum of five minutes is allowed for the Elected Mayor's report, following which the Chair of Council will give the respective political group leaders an opportunity to respond for up to 1 minute each if they wish.

**8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL** **47 - 52**

The questions which have been received from Councillors to be put at the meeting are set out in agenda item 8 attached. A maximum of 30 minutes is allowed for this agenda item.

The order of questions is as printed in the agenda item and provides for members of the majority and minority groups to put questions in turn. However as agreed by the Council on 27<sup>th</sup> October 2010, the Chair of Council has discretion, within the 30 minutes allocated for this item, to vary the printed order of questions in order to invite an 'ungrouped' Councillor to put his/her questions.

**9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**

**9.1 Licensing Policy Review** **53 - 120**

The report of the Corporate Director - Communities, Localities and Culture on the three year review of the Council's Licensing Policy is attached. The draft policy has been subject to a statutory consultation process and was considered by the Licensing Committee on 2<sup>nd</sup> November 2010.

**10. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (IF ANY)**

There is no business to conduct under this agenda item.

**11. OTHER BUSINESS**

**11.1 Mid-year review report on 2010/11 Treasury Management and Investment Strategy** **121 - 134**

The mid-year report reviewing treasury management and investment strategy is presented for the Council's information as recommended by the CIPFA Treasury Management Code of Practice. The report of the Corporate Director, Resources is attached.

**11.2 Bancroft Local History Library and Archive**

The Council on 27<sup>th</sup> October 2010 resolved (inter alia) that a report on this matter be brought to the next meeting. The report of the Corporate Director – Communities, Localities and Culture is to follow.

### **11 .3 Strategic Development Committee: Appointment of Member**

**135 - 138**

To appoint an 'ungrouped' Councillor to serve on the Strategic Development Committee, pursuant to the review of proportionality carried out at the Council Meeting on 27<sup>th</sup> October 2010. The report of the Service Head, Democratic Services is attached.

### **12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL**

**139 - 144**

The motions submitted by Councillors for debate at this meeting are set out in agenda item 12 attached.

---

#### **Note: Report back on location of meetings**

The Council Meeting on 27<sup>th</sup> October 2010 considered a motion proposed by Councillor Dr. Emma Jones and seconded by Councillor David Snowdon regarding 'location of meetings'.

The Council agreed the motion as amended, including a resolution 'to ask officers to investigate the financial, practical and procedural implications of holding Development, Strategic Development, Licensing and Overview and Scrutiny meetings at venues across the Borough in future'; and 'to ask for a report to be presented at the next Council meeting.'

Work is underway as set out in the resolution but it has unfortunately not been possible to complete this work in time for a report to be included on the agenda for this meeting. A report on this matter will therefore be presented to the next ordinary Council meeting.

This page is intentionally left blank

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE COUNCIL**

**HELD AT 7.30 P.M. ON WEDNESDAY, 27 OCTOBER 2010**

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

**Members Present:**

Mayor Lutfur Rahman	Councillor Ann Jackson
Councillor Helal Abbas	Councillor Denise Jones
Councillor Khaled Uddin Ahmed	Councillor Dr. Emma Jones
Councillor Kabir Ahmed	Councillor Anwar Khan
Councillor Ohid Ahmed	Councillor Rabina Khan
Councillor Rajib Ahmed	Councillor Aminur Khan
Councillor Rofique U Ahmed	Councillor Rania Khan
Councillor Shelina Aktar	Councillor Anna Lynch
Councillor Shahed Ali	Councillor Harun Miah
Councillor Tim Archer	Councillor Mohammed Abdul Mukit MBE
Councillor Abdul Asad	Councillor Ahmed Adam Omer
Councillor Craig Aston	Councillor Lesley Pavitt
Councillor Lutfu Begum	Councillor Joshua Peck
Councillor Mizan Chaudhury	Councillor Zenith Rahman
Councillor Alibor Choudhury	Councillor Oliur Rahman
Councillor Zara Davis	Councillor Rachael Saunders
Councillor Stephanie Eaton	Councillor David Snowdon
Councillor David Edgar	Councillor Gloria Thienel
Councillor Marc Francis	Councillor Bill Turner
Councillor Judith Gardiner	Councillor Helal Uddin
Councillor Carlo Gibbs	Councillor Abdal Ullah
Councillor Peter Golds	Councillor Motin Uz-Zaman
Councillor Shafiqul Haque	Councillor Amy Whitelock
Councillor Sirajul Islam	

The meeting opened at 7.37 p.m.

**The Chair of Council, Councillor Motin Uz-Zaman, in the Chair**

**1. APOLOGIES FOR ABSENCE**

Apologies were received on behalf of Councillors Carli Harper-Penman, Shiria Khatun, Mohammed Maium Miah and Kosru Uddin.

**RESOLVED**

That the apologies be noted.

**2. DECLARATIONS OF INTEREST**

Councillors made declarations of interest in items included on the agenda as follows:

<b>Councillor</b>	<b>Item</b>	<b>Type of interest</b>	<b>Reason</b>
Helal Abbas	5	Personal	Constitution Working Party member
Kabir Ahmed	12.5	Personal	I hold my surgeries at the Rich Mix Centre
Rofique Uddin Ahmed	12.5	Personal	Bancroft History Library and Archive is in my Ward
Mizanur Chaudhury	12.5	Personal	Council representative on Rich Mix
Stephanie Eaton	6.2.1 and 12.3	Personal	I am a leaseholder of a property for which the freehold is owned by Island Homes
Peter Golds	5	Personal	Constitution Working Party member
Ann Jackson	5	Personal	Constitution Working Party member
Denise Jones	5	Personal	Constitution Working Party member
Denise Jones	12.5	Personal	Trustee of Rich Mix
Oliur Rahman	6.2.1 and 12.3	Personal	Island Homes is my landlord
Rachael Saunders	12.5	Personal	Council representative on Rich Mix
Amy Whitelock	12.5	Personal	Bancroft History Library and Archive is in my Ward

**3. MINUTES****RESOLVED**

That the minutes of the ordinary Council meeting held on 15<sup>th</sup> September 2010 be confirmed as a correct record of the proceedings and the Chair of Council be authorised to sign them accordingly.

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

The Chief Executive reported to the Council on the result of the Mayoral election held on 21<sup>st</sup> October 2010. The Chair of Council invited the elected Mayor, Lutfur Rahman, to address the council meeting. The Mayor

addressed the meeting and announced that he had appointed Councillor Ohid Ahmed as his Deputy Mayor.

## 5. REVIEW OF THE CONSTITUTION

Councillor Joshua Peck presented the recommendations of the Constitution Working Party. In doing so, Councillor Peck also **MOVED** and Councillor Ann Jackson **SECONDED** a tabled **amendment** to the report - "That the report of the Constitution Working Party be agreed subject to the following amendments:-

- At paragraph 5.37 - Delete '£74,995' and replace with '£65,000';
- At paragraph 5.8 – Add further sentence at the end "**It is proposed that Tower Hamlets' constitution should not provide for the appointment by the Elected Mayor of Councillors to any paid positions (including external bodies) other than those of the Executive (Cabinet) Members**";
- Add an additional constitutional provision under the 'Civic and Ceremonial Duties' section 'The former Mayoral Car and Chauffeur will be available only for civic duties and for the sole use of the Chair or Deputy Chair of Council'; and
- Amend the relevant sections of Appendix A in accordance with the above."

After discussion, the amendment moved by Councillor Joshua Peck was put to the vote and was **agreed**.

Councillor Peter Golds **MOVED** and Councillor Tim Archer **SECONDED** a further amendment as follows:-

"That item 5.20; Petitions and Deputations – That a time limit of forty minutes be allowed for petitions and deputations so that a maximum of four petitions and/or deputations may be submitted and heard in front of Full Council;

Item 5.24; Public Participation – general – In the event of a member of the public submitting a question or petition to the Council, having previously submitted one or other to one of the previous two Council meetings, then that question should be placed behind other public questions and petitions that may have been submitted by other members of the public;

Item 5.37; The Mayor's and members' Remuneration – That the Elected Mayor's allowance of £65,000 p.a. be paid with effect from 25<sup>th</sup> October 2010."

After further discussion, the amendment moved by Councillor Peter Golds was put to the vote and was **defeated**.

The substantive motion as amended was then put to the vote and was **agreed**. Accordingly it was:-

## **RESOLVED**

1. That subject to (a) – (d) below, changes be agreed to the Council's Constitution as set out in the schedule at Appendix A to the report to take effect immediately with the exception of the proposed changes to the arrangements for petitions, deputations and public questions at the Council meeting, which will take effect at the conclusion of the current meeting;
  - (a) At paragraph 5.37 of the report - Delete '£74,995' and replace with '£65,000';
  - (b) At paragraph 5.8 – Add further sentence at the end **“It is proposed that Tower Hamlets’ constitution should not provide for the appointment by the Elected Mayor of Councillors to any paid positions (including external bodies) other than those of the Executive (Cabinet) Members”**;
  - (c) Add an additional constitutional provision under the ‘Civic and Ceremonial Duties’ section ‘The former Mayoral Car and Chauffeur will be available only for civic duties and for the sole use of the Chair or Deputy Chair of Council’; and
  - (d) Appendix A - Amend the relevant sections in accordance with the above.
2. That the Assistant Chief Executive (Legal Services) be authorised to amend the text of the Constitution as necessary to give effect to the agreed changes.

## **6. TO RECEIVE ANY PETITIONS OR DEPUTATIONS**

### **6.1 PETITIONS**

No petitions were received for this meeting.

### **6.2 DEPUTATIONS**

#### **6.2.1 Deputation regarding Island Homes**

At the invitation of the Mayor, Mr. Antony Lane and Ms. Jenny Fisher addressed the meeting on behalf of the deputation. Mr Lane and Ms Fisher spoke in support of the motion submitted by Councillor Peter Golds and Councillor David Snowdon included at item 12.3 of the agenda. They then responded to questions from Members of the Council.

Mayor Lutfur Rahman, said that he was sorry that Mr. Lane and Ms. Fisher had had to bring their concerns to the meeting. The Mayor was concerned that the Housing Associations had gone back on the agreements. He would ask officers to suspend One Housing Group as a preferred development partner if they did not honour the promises made.

### **RESOLVED**

That the deputation be referred to the Corporate Director, Development and Renewal for a written response on any outstanding matters within 28 days.

### **Change to order of business**

At this point, Councillor Peter Golds **MOVED** and Councillor Tim Archer **SECONDED** – “That under Rule 14.1.3 the order of business be changed to allow item 12.3 to be considered as the next item of business.”

The procedural motion was put to the vote and was **agreed**.

### **12.3 Motion proposed by Councillor Peter Golds regarding Island Homes**

The motion as printed in the agenda was **MOVED** by Councillor Peter Golds and **SECONDED** by Councillor David Snowdon.

Following debate, the motion was put to the vote and was **agreed**, with no Member voting against. Accordingly it was:-

### **RESOLVED**

This council notes:

1. The ongoing concerns of Island Homes residents in the management structure of their Housing Association
2. The fact that the board of Island Homes, while having a majority of residents, does not have representatives elected by the residents of the Island Homes estates
3. That the Barkantine Management Team (BMT) has been deprived of its office by Island Homes since the board was suspended in 2008.
4. The motion approved by Full Council on 9 December 2009 calling for the Lead Member for Housing to press Island Homes for further reforms to bring governance standards in line with those expected by Island Homes residents

This council believes:

1. That the London Borough of Tower Hamlets has an ongoing responsibility towards the residents of the Island Homes estates due to the mistakes made in the transfer process, which resulted in the Transfer Document not fully reflecting the promises made in the Offer Document

This council resolves that:

1. The Lead Member for Housing should take renewed and additional steps to seek a resolution to the dispute over board membership between Island Homes Residents and Island Homes
2. The Lead Member for Housing should report back on progress made at the next meeting of Full Council.

## **7. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **7.1 Question from Mr. Nigel Kirby re: Delivery arrangements at Roman Road East shops**

“Has the Council’s Town Centre Project Coordinator or the Roman Road East Regeneration Steering Group chaired by Cllr Joshua Peck looked into the delivery practicalities for the Roman Road East shops? We now have both Iceland and Poundland lorries turning in to Anglo Road and reversing half the length of Cardigan Road to make their deliveries. The Iceland lorries have been doing this for 18 months already. This is illegal and highly dangerous, noisy and disruptive, but despite residents raising the matter with both local Councillors and direct with the Head of Traffic and Transportation, we are still waiting for officers to come and investigate.”

#### **Response of the Mayor**

The Roman Road Town Centre Coordinator has investigated the situation and advises that the changes of use involved did not require any new planning application nor was any consultation required. Consequently changes in servicing arrangements could not be enforced through the planning process.

Officers in both Parking Enforcement and Transportation & Highways are aware that current practice causes disturbance to residents and have investigated the potential for taking enforcement action against these vehicles. There is however a point closure at the north end of Cardigan Road which forces vehicles to turn around, and for larger vehicles the only point at which they can do this is at Anglo Road. Whilst on non-market days these shops should be able to load directly from Roman Road, with no need to use Cardigan Road at all,

the closure of that street during market hours means there is little alternative available to the current practice.

As no planning restrictions currently apply, the only alternative is for officers to approach the management of these stores direct to seek their cooperation in trying to modify and better manage servicing arrangements for the benefit of surrounding residents - essentially exploring their ability to restrict deliveries to non-market days and introducing enforcement of the current activity on those days if they fail to do so.

The Roman Road Implementation Group is seeking to take future development proposals into account alongside existing practicalities in delivering public realm improvements in this area. This includes an area review of traffic management arrangements which has recently been commissioned and which could offer better access routes and servicing arrangements for businesses on Roman Road itself.

#### **Summary of supplementary question from Mr. Kirby:**

Under the Section 106 agreement for Gladstone Place, £35K was earmarked for a raised pavement. There was no consultation with residents on this and HGVs use the kerbs. Wasn't this a waste of money?

#### **Summary of the Mayor's response:**

I will look into this matter further to see if it can be rectified.

### **8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL**

The Chair of Council gave Members a few moments to read through the tabled replies.

#### **8.1 Question from Councillor Bill Turner**

"Does the Lead Member agree with me that the decision to re-route the 2012 Olympic Marathon away from the East End was a betrayal of the very principles which won the bid for London and can she update me on what action the Council are taking to try and reverse this decision?"

#### **Response of the Mayor:**

Indeed I do agree with the Member for Mile End and Globe Town that the decision to change the route of the 2012 Olympic and Paralympic marathons is a betrayal of the principles of the bid and of the support that Tower Hamlets has provided to the London 2012 Olympics.

Following receipt of the letter (25<sup>th</sup> August 2010) from LOCOG advising the Council of the decision to re-route the marathon the Council has

- Corresponded with LOCOG outlining our concerns and requesting the detailed evidence which formed the basis for that decision so that we can review and challenge the basis for the decision
- Commenced a media and Public Relations campaign which has included
  - Articles in various media
  - On-line petition
  - Support from prominent politicians including Tessa Jowell former Olympics Minister and Ken Livingstone
  - Letters to influential media from the Leader with support and signature of the Mayors of Newham and Hackney, and local Members of Parliament
  - Published through the Council's web site the letter exchanges between the Council and LOCOG concerning the withdrawal of the walk race events from the Borough and the withdrawal of the marathon events to demonstrate the lack of consultation with and disregard shown to the Borough and its residents
  - Standard e-mail to send to Lord Coe, Jeremy Hunt (Olympics Minister) and the Mayor of London accessible via the web pages

and is

- Taking legal advice on the decision made

Overall the Council will continue its media, PR and lobbying campaign to maintain awareness of the issue and pressure on LOCOG whilst making the case for re-examination of the decision through the usual professional channels including legal offices if appropriate.

**Summary of supplementary question from Councillor Bill Turner:**

I am pleased that Mayor Rahman agrees with the majority group about the disgraceful decision to re-route the marathon. Can I have a commitment from Mayor Rahman that he will meet with Boris Jonson to discuss the comments he made about the borough and urge him to support the return of the marathon to East London?

**Summary of the Mayor's response:**

I have already written to the Leaders of the Olympic host boroughs reinforcing my commitment to ensuring that this Council has a full and robust role as a key partner in the delivery of the Olympic Games and to Paul Deighton, Chief Executive of the London Organising Committee for the Olympic Games and will be meeting with the LOCOG as a priority.



I will also be attending the host boroughs meeting on Friday to make clear my commitment to the delivery of a successful Olympic Games for Tower Hamlets.

## 8.2 Question from Councillor Craig Aston

“What discussions has Tower Hamlets Council had with British Waterways regarding doubling the number of berths in the already overcrowded Limehouse Basin?”

### **Response of the Mayor:**

British Waterways made a formal request on 16 October to enter into pre-application advice from the Council in respect of two proposals in Limehouse Basin:

- "Change of use of 22 (20%) of the 106 berths to full residential use".
- "Change of use of marina to allow a mixed use of both leisure and residential berths".

British Waterways benefit from certain permitted development rights to carry out works without needing to apply for permission. Officers will check which aspects of the proposals require planning permission and check the relevant planning history before arranging to meet British Waterways to discuss the merits of their proposals and provide advice on conformity with planning policy and other material considerations.

In accordance with the Council's pre-application procedures and Statement of Community Involvement, British Waterways have been advised to carry out public consultation on their proposals at the earliest opportunity so that the views of local residents can be taken into account when officers issue the advice.

The pre-application advice process is best practice but is not statutory. If a planning application is submitted, the Council will carry out statutory public consultation including neighbour notification.

### **Summary of supplementary question from Councillor Craig Aston:**

Thank you for the written answer. Will the Mayor ensure that there is adequate consultation with residents on the British Waterways proposals?

### **Summary of the Mayor's response:**

Absolutely. Any formal application needs to have consultation and we will want to protect the interests of our residents. The Council and officers will ensure this happens, so yes as I would like to see better use of our waterways.

### 8.3 Question from Councillor Carlo Gibbs

“Can the Lead Member give us an update on the likely impact of the Conservative-Liberal Democrat Government’s Comprehensive Spending Review on the Council’s finances?”

#### **Response of the Mayor:**

The Government made its Spending Review announcement on 20th October and set out some headline figures for local government. Under the Government's plans, Government departments will be providing 26% less grant to local authorities by the end of the Spending Review period in 2014/15 and a large proportion of that will need to be found next year in 2011/12.

In addition the Government has announced that capital grants from Government departments to local authorities will reduce by 45%. This will make it very hard for Councils to respond to the needs of a growing population, such as we have in Tower Hamlets.

It is clear that local government has been one of the areas of the public sector hardest hit by the Spending Review, despite the fact that local authorities provide services that are important to the daily lives of everyone and are vital to the lives of society's most vulnerable.

The Council will not know how much of the national 'pot' it will receive until detailed grant announcements are made, and those are expected early in December.

The Cabinet's priority is to protect front-line services where we can and we agreed a number of initiatives in August to help us achieve that.

We are also lobbying Government to try and make sure we get a settlement that doesn't mean a double whammy for Tower Hamlets - a tight Spending Review settlement coupled with a reduction in our share of the national pot.

#### **Summary of supplementary question from Councillor Carlo Gibbs:**

Isn't it the case that the CSR cuts are driven by ideology and this borough will be the hardest hit with cuts to social housing and other budgets, raising demands on our services at the same time as reducing our capacity to respond. Can you give an assurance that you will continue Labour's work to protect services from this?

#### **Summary of the Mayor's response:**

I will work with those necessary. The reductions will be front ended and there will be a £30M spending reduction in the first year. I will provide a full briefing on how to tackle this at the first Cabinet meeting.

**8.4 Question from Councillor Mohammed Maium Miah**

Cllr Miah was not in attendance at the meeting and a written response would be provided.

**8.5 Question from Councillor Anna Lynch**

“Does the Lead Member agree with several GP’s, RCN and the BMA, that the proposals outlined in the Coalition Government’s NHS White Paper to greatly increase the marketisation of the health service will not increase patient outcomes, provide value for money or greater integration of health and social care and are therefore a ‘dangerous leap in the dark’ for patients such as those in Tower Hamlets?”

**Response of the Mayor:**

The Health White Paper, 'Equity and Excellence: liberating the NHS' was published on 12 July 2010 and signals the most radical restructuring of the NHS since its inception. To develop proposals further the Department of Health held a widespread consultation which closed on the 11<sup>th</sup> October 2010 and the Council is currently awaiting their response.

The White Paper signals new responsibilities for Local Authorities on Public Health to be followed up by a further White Paper in December. The Council welcomes the proposed changes to Public Health and health improvement becoming a Local Authority led activity given the health challenges in the Borough.

The government’s radical reshaping of health services will transform how health care is commissioned and hands local government a wealth of new powers and responsibilities.

The policy agenda is far reaching and the timetable for implementation ambitious given the scale of change and the context of increasing financial pressures facing the service. There is a strong track record with partnership working between the Local Authority and the NHS and the Council is working hard to make sure these changes work for the people of Tower Hamlets. Officers are already working closely with the PCT to plan the transition arrangements and the Mayor and myself will now be involved in taking these discussions forward.

**Summary of supplementary question from Councillor Anna Lynch:**

Thank you for your answer. As a registered health care professional, I am appalled by changes to health care policy as described in the White Paper. Can you commit that the talent that we have in the PCT will be

kept and this borough will be protected as this will affect the poorest people in the borough?

**Summary of the Mayor's response:**

I will be meeting with GP representatives as soon as possible to better understand the implication of change and to ensure the progress made is protected and assured.

**8.6 Question from Councillor Peter Golds**

"The annual cost of electricity in Mulberry Place is £533,000 per year and in Anchorage House £216,000 per year. Anchorage House has "intelligent lighting which is motion sensitive". This appears not to be so in Mulberry Place which is regularly lit up through the night and weekends. What is the reason for this, bearing in mind the ongoing financial discrepancy?"

**Response of the Mayor:**

Steps have been taken to ensure there is a reduction in energy consumption in Mulberry Place. The landlords as part of their responsibilities check all floors at night via their security guard and also double check the timer clocks to ensure they are correctly set for night time and weekend usage. They can however, be overridden by occupiers who either stay late or work at weekends.

We have asked the landlords to ensure all equipment is working as it should and that all time clocks are set correctly. The Council's Facilities Management team has reviewed usage and a report from a specialist energy saving company has been obtained. The cost of electrical for Mulberry Place from April to September 2010 stands at £177,000, a reduction on last year's cost.

**Summary of supplementary question from Councillor Peter Golds:**

It is helpful to have these answers and I thank you for this. The cost of electricity at Mulberry Place has dropped but I am informed by people passing the building at weekends and from my own experience that the lights are on constantly for 24 hours. Can we take some sanction if the landlords do not deliver on their commitments?

**Summary of the Mayor's response:**

I want to see the costs taken down across the borough. I am glad to see that the costs have come gone down in the last six months.

**8.7 Question from Councillor Mizanur Chaudhury**

“Can the Lead Member tell me what action the Council is taking to tackle the problem of illegal sub-letting in the Borough?”

**Response of the Mayor:**

Working with Local Housing Partners, the council has launched a campaign to tackle people illegally sub-letting a council or Housing Association property. The Council, which bid for Government funding to tackle the problem, has established a new Anti Fraud Team to crack down on illegal Subletting in May 2010

Sourcing Government funding the Risk Management team with the Resources Directorate has created three temporary posts to look specifically at cases of Subletting in Tower Hamlets Homes (THH) and the other Registered Social Landlords working within Tower Hamlets.

The team work directly to the Head of Audit Services and all three staff have a background in either Housing Benefit Investigations or Housing Management and were recruited and placed in post by May 2010. Each member of the team was given a 6 month contract which has been extended recently.

The team has the following objectives:-

- Identify social housing fraud cases;
- Assist/recover unlawfully public sector (ALMO and RSL) occupied properties (Secure and Assured tenancies);
- Build up working relations with THH and RSLs to joint manage social housing fraud;
- Deal with associated fraud matters arising from un lawful occupancy work including Housing Benefit Irregularities, Parking Permit abuse etc; and
- Identify weaknesses and learn and improve systems to prevent un-lawful occupancy.

Since the team has been set up, it has generated 158 cases, which 20 properties have been recovered within the borough, 4 are subject to Notices To Quit and 45 additional cases are been actively pursued for benefit issues.

The Councils Hotline for Fraud is 0800 528 0294 and email address - [anti-fraud@towerhamlets.gov.uk](mailto:anti-fraud@towerhamlets.gov.uk)

Tenancy audit checks are carried out regularly by THH Staff which work closely with the Council's Fraud Team. In the period of April to September this year 736 tenancy audits were carried out which has lead to the discovery of 17 sublet properties which are currently going

through the legal process. All checks are based on intelligence and are not target related.

Leaseholders are legally allowed to sublet and are required to notify the Freeholder. If a leaseholder does not inform THH then legal action can be taken however in most circumstances once the leaseholder is advised of the breach they always remedy it by advising THH of the sublet.

In the past, Leaseholder Services have worked in partnership with Homeless Services, Letting and Environmental Housing Team to address overcrowding in Leasehold properties, but the overall remit of responsibility for HMO enforcement is with the LBTH Health and Housing Team HMO and breach is enforced by London Borough of Tower Hamlets Health and Housing Team. They have a team that deal with applications for HMO license and any suspected breach by Leaseholders

**Summary of supplementary question from Councillor Mizanur Chaudhury:**

This is an important service and we have many people in Housing need. The Audit Commission has confirmed the value of this kind of investigation. Do we have these investigators?

**Summary of the Mayor's response:**

Sub-letting is a problem in this borough. It is a top priority of my administration to deliver the maximum number of affordable homes and thank you for your question.

**8.8 Question from Councillor Dr. Emma Jones**

“The Council recently decided to withdraw access to Victoria Park for British Military Fitness (BMF) members on weekday evenings. BMF have used the park in the evenings for the past 2 years and provided a safe environment for residents to exercise outdoors in the evenings. Why has this access now been withdrawn?”

**Response of the Mayor:**

British Military Fitness is a commercial company and they operate under an annually agreed licence with the Council. The terms and conditions of their operation are therefore reviewed on an annual basis.

Victoria Park has set opening and closing times and British Military Fitness have always been aware of these. In general we would not permit a commercial organisation to have sole rights of entry or use of a public park which was otherwise not available to the general public or

any other organisation who may wish to claim that they should have access agreed for their individual benefit.

In terms of agreeing a licence this year with British Military Fitness we offered them alternative venues within Tower Hamlets which had the advantage of being unlocked sites and also had a higher level of lighting. BMF operate across a number of London Boroughs and venues and therefore are flexible in terms of how they operate and offer their activities.

Rather than operate from an alternative site within Tower Hamlets they took a commercial decision to provide their mid week sessions from London Fields within the London Borough of Hackney. They will continue to operate their Saturday morning sessions from Victoria Park during the winter months.

British Military Fitness is a commercial company and they operate under an annually agreed licence with the Council. The terms and conditions of their operation are therefore reviewed on an annual basis.

Victoria Park has set opening and closing times and British Military Fitness have always been aware of these. In general we would not permit a commercial organisation to have sole rights of entry or use of a public park which was otherwise not available to the general public or any other organisation who may wish to claim that they should have access agreed for their individual benefit.

In terms of agreeing a licence this year with British Military Fitness we offered them alternative venues within Tower Hamlets which had the advantage of being unlocked sites and also had a higher level of lighting. BMF operate across a number of London Boroughs and venues and therefore are flexible in terms of how they operate and offer their activities.

Rather than operate from an alternative site within Tower Hamlets they took a commercial decision to provide their mid week sessions from London Fields within the London Borough of Hackney. They will continue to operate their Saturday morning sessions from Victoria Park during the winter months. After the winter months they will be returning to Victoria Park to run their evening classes.

**Summary of supplementary question from Councillor Dr. Emma Jones:**

Thank you for the response. Do you agree that Tower Hamlets should accept BMF's offer of payment for their sessions in Victoria Park?

**Summary of the Mayor's response:**

I would like to go away and look at this in more detail.

### 8.9 Question from Councillor Amy Whitelock

“Can the Lead Member tell me what impact the introduction of the Equality Act will have on tackling inequality in Tower Hamlets?”

#### **Response of the Mayor:**

The Equality Act 2010 aims to provide a modern, single legal framework with clear, streamlined law that will be more effective at tackling disadvantage and discrimination.

The bulk of the Equality Act 2010 came into force at the beginning of October 2010 and the new public sector duty will come into force in April 2011. The new duty aims to give public authorities much greater flexibility at a local level to determine how inequality is tackled, placing greater emphasis on outcomes rather than outputs and process. It will require public authorities to demonstrate that local equality priorities are underpinned by a robust analysis of inequality in the locality. The new duty will also require localities to give due regard to socio-economic inequality when setting priorities.

Greater freedom for public bodies will be accompanied with greater accountability to citizens requiring localities to ensure that the right framework is in place which empowers citizens to scrutinise the data and evidence on how inequality is addressed.

Implementation of the Equality Act and preparations for the new public sector duties are embodied in the Council's new Single Equality Framework (SEF). The Single Equality Framework (SEF) adopts a new approach to tackling some of our most significant, complex and persistent issues of inequality.

The aim of the Framework is to two fold:

- To identify priority areas of persistent inequality and develop effective strategies to tackle them, and;
- To ensure that the Council has the resources, structures and processes in place to realise our overarching commitment to promote equality

We know that to achieve the step change necessary to tackle deep seated inequality, we need to recognise that this arises from an interplay of factors which combine to create real barriers to equality of opportunity and outcome. In the past equalities legislation has focused on individual equality strands of race, gender, disability, age, religion/belief and sexual orientation. However in Tower Hamlets we know that to develop effective interventions we need to understand how a variety of factors shape life chances and that poverty has a defining impact on a range of outcomes.



Through the Framework we will investigate the determinants of unequal outcomes beyond individual equality strands and aim to understand the relationship between the strands and other circumstances that drive poor outcomes including socio-economic disadvantage. We will explore whether the interventions that we have in place can tackle the drivers of inequality to deliver the outcomes we look to achieve in the long term. To enable us to target these areas of persistent inequality, the Single Equality Framework identifies two priority areas for 2010/11, which are:

**Economic inactivity amongst Bangladeshi and Somali women** This work stream will contribute to the development of the Local Economic Assessment and Employment Strategy to put in place measures to ensure that our core employment interventions are able to address the of worklessness amongst women in the borough.

It will do so by building into the Local Economic Assessment a robust analysis of the complex interplay of factors that drive worklessness amongst women. Through action research we will apply a reflective process of problem solving led by stakeholders including workless Bangladeshi and Somali women to test out interventions to support women into work during 2010/11.

The findings of the Local economic Assessment and the action research will be incorporated into the refresh of the Council's Employment Strategy and inform the direction of future interventions.

**Independence and dignity for older people and vulnerable adults.** This work stream will form part of the three year Transforming Social Care programme which aims to put service users at the heart of the decision making process about how they are supported, and enabling them to have more choice and control, so that they can get support that is personalised to meet their individual needs.

During 2010/11 we will identify the steps we need to take to ensure that all service users, but especially those at greatest risk of marginalisation and exclusion, are enabled to live their own lives as they wish, confident that services are of high quality, are safe and promote their own individual needs for independence, well-being and dignity.

The new requirements of the Act have been recognised and we are working to ensure that the organisation is fully equipped to handle the changes that come into effect as a result of the Equality Act 2010. Human Resources is in the process of:

- Reviewing policies to check whether any amendments will need to be made to cover the extension to the other protected characteristics, and ensure the revised procedures are communicated to employees;

- Identifying where gender pay information is held in order to ensure we are able to bring this together and publish the necessary information within the given timetable;
- Reviewing recruitment procedures to check that they are consistent with the restrictions on asking questions about health before job offers are made. Application packs are also being revised to ensure that this new provision is complied with and more information than is necessary is not obtained.

Plans are in place for further work with senior managers and the Corporate Equalities Steering Group to prepare for the new public sector duties which are currently being consulted on and will inform the continuing development of the SEF.

**Summary of supplementary question from Councillor Amy Whitelock:**

Thank you for the response. Do you agree with me that it is appalling that the Fawcett Society had to take the Government to court for not taking into account the impact of the cuts on women, particularly given the spending review will hit women twice as hard as men? Can the Mayor give a commitment that a full and public Equalities Impact Assessment will be carried out on his budget proposals?

**Summary of the Mayor's response:**

Yes to the latter re: the Equalities Impact Assessment. I was elected to serve the people regardless of their ethnicity and background. This is a strong step towards achieving our goal of One Tower Hamlets.

**8.10 Question from Councillor Zara Davis**

“What has been achieved by the Tower Hamlets Olympics Ambassador since this role was created?”

**Response of the Mayor:**

The Olympic Ambassador has represented the Council at public and private events to talk to residents about the London 2012 Games and inspire resident involvement and engagement with London 2012 in support of the Council's objective for 70% of residents to feel positive about the impact of the London Olympics. The Olympic Ambassador also provides a conduit for residents at meetings such as the ODA residents meeting to easily and quickly raise any issues with an elected member.

Recent examples of activity include visits to five schools, hosting a young persons event to celebrate the end of the Winter Olympics, speaking at an event at the Rich Mix to celebrate two years to go, and

accompanying the Olympics roving unit to after school clubs to talk about London 2012 and encourage young people to take up sports.

Having an Olympic Ambassador has also provided us with a consistent spokesperson on issues related to London 2012 and the Council, allowing us to respond to media enquiries and comment on Olympic issues/stories quickly. Finally it has added gravitas to schemes such as the Idea Store 2012 Champions and the recruitment of school based 2012 champions whom are all part of a coherent structure underneath the Council's Olympic Ambassador – with the goal of encouraging residents to get involved in and celebrate the Games.

**Summary of supplementary question from Councillor Zara Davis:**

Thank you for your answer. I find it ludicrous that since we have created the Olympic Ambassador role we have lost two Olympic events. Can you assure me that you will not be resurrecting this useless position?

**Summary of the Mayor's response:**

I will be meeting with the Chief Executive of the London Organising Committee for the Olympic Games and the Olympics Ambassador to maximise the outcome of the 2012 Olympic games for the residents of Tower Hamlets.

**8.11 Question from Councillor Rajib Ahmed**

“How many families in Tower Hamlets are likely to be affected by the Conservative-Liberal Democrat Government's cuts to Child Benefit?”

**Response of the Mayor:**

The Government has recently announced a number of changes to Child Benefit.

Rates are to be frozen for three years from April 2011, and thereafter rates will be up-rated using the Consumer Prices Index rather than the Retail Prices Index. The freezing of benefit will reduce the value of Child Benefit in real terms over the next three years. The move to CPI up-rating is expected to lead to lower benefits in the years ahead.

Both these measures will have an impact on all families receiving Child Benefit. Latest data show that in August 2009, 27,245 families in Tower Hamlets were receiving Child Benefit on behalf of 55,955 children. The real fall in the value of Child Benefit will have a bigger impact on families in Tower Hamlets than elsewhere because of the borough's high rate of child poverty, and larger family size.

More recently, the Government has announced the withdrawal of Child Benefit from households with a higher rate taxpayer from 2013. This will have an impact on those families with at least one person earning more than £43,875 per annum. Nationally, HM Treasury has estimated that this will lead to 15 per cent of UK families losing Child Benefit. Locally, the impact is likely to be less severe than this, given the high proportion of low income families in the borough.

**Summary of supplementary question from Councillor Rajib Ahmed:**

It is a shame that the Lib Dems/Conservatives are making so many cuts to child benefits. What are you doing to stop these cuts?

**Summary of the Mayor's response:**

I will be working with all parties to ensure that the most vulnerable are not put at risk.

**8.12 Question from Councillor Gloria Thienel**

"The major roads circulating the Isle of Dogs remain in a bad state of repair, despite the almost continuous work by utilities causing delays and hold ups to residents and visitors.

Rather than spend millions of pounds of public money on vanity projects such as Rich Mix, the people of the Isle of Dogs would prefer to have safe and usable roads, as promised by Labour earlier this year. Will the administration undertake this work?"

**Response of the Mayor:**

The roads circulating the Isle of Dogs, namely Westferry Road and Manchester Road / Preston's Road, are Principal A roads and as such their condition is surveyed annually. Funding is awarded by Transport for London for maintenance of these roads on a London-wide prioritisation basis through the Local implementation Plan funding. In 2010/11, £46,000 out of a £215,000 allocation for principal road maintenance was ringfenced to Manchester Road and the section between Friars Mead and Amsterdam Road will be resurfaced in the next few months.

Further funding for Preston's Road is anticipated in 2011/12.

**Summary of supplementary question from Councillor Gloria Thienel:**

Thank you for the response. Despite the petition that was brought to Council from residents, Stebondale Street has not been fully resurfaced, only half of it. The part that you are proposing for

Manchester Road is a tiny fraction. Someone should take a ride around the Island and see how bad it all is.

**Summary of the Mayor's response:**

I am more than willing to meet with you and the officers to discuss this.

**8.13 Question from Councillor Zenith Rahman**

“Can the Lead Member explain the importance of the Council's recently adopted Conservation Strategy and how it will protect the heritage?”

**Response of the Mayor:**

The Council's new Conservation Strategy will pro-actively guide the care of the Borough's outstanding and extensive cultural heritage of buildings, townscape and archaeology by setting clear goals for the protection of this heritage. It will drive initiatives around the conservation, reuse and enhancement of historic buildings and places, particularly in bringing forward regeneration. It highlights how the built heritage can promote social inclusion, enhance local identity and protect the environment

The Strategy aligns the Council's care of the historic environment with the Government's recently issued new Planning Policy Statement 5 (PPS5). One of the key recommendations in PPS5 is for the development of a positive pre-active strategy for the conservation and enjoyment of the historic environment, which the Strategy fulfils. The Strategy is one of the first of its kind nationally and has the full support of the Government's Advisers at English Heritage.

The Strategy will also assist in promoting the care of the heritage in delivering the Council's Local Development Framework which is aligned with the priorities of the Community Plan 2020; the Conservation Strategy particularly supports the theme of 'A Great Place to Live'.

*No supplementary question was asked.*

**8.14 Question from Councillor David Snowdon**

“May I have itemised details of the overall cost of the core strategy, including the cost of external consultants, consultation events and production? In addition may I have the same information from the rejected strategy?”

**Response of the Mayor:**

The Table below provides a detailed breakdown of all costs associated with the production of the Core Strategy, recently found sound by the Planning Inspectorate and adopted by Council.

We are currently in communication with other London Boroughs to benchmark the cost of the Core Strategy with the equivalent elsewhere.

The Core Strategy is a legal requirement of Local Authorities, and the newly adopted Core Strategy provides an up to date planning policy framework needed to ensure the delivery of sustainable development, affordable housing and employment for the Borough up to 2025. It is also a powerful tool in securing planning obligations and Section 106 contributions for the funding of essential infrastructure such as transport, health facilities, schools and open space.

Printing	£82,104.00
Legal Fees	£4,670.00
Consultancy & staff costs	£1,445,242
Design Fees	£10,145.00
Translation Fees	£3,070.00
General Fees	£15,876.00
Transport	£311.00
Postage	£2,819.00
Events & Hall Hire	£4,058.00
Advertising	£31,487.00
Meetings	£4,771.00
Staff Costs	£767,133.42

The total budget for the three financial years during which the core Strategy was produced is £2,037,409 (of which £721,174 was obtained through grants and fees). The total costs of the Core Strategy was £1,604,553, leaving a positive variance of £432,856.

Information regarding the “rejected strategy” (interpreted as the Interim Planning Guidance, adopted by council as material consideration in 2007) is not readily available as it will take considerable officer time to compile from historic budget data.

**Summary of supplementary question from Councillor David Snowdon:**

Thank you for the response. Will you be looking to make any changes to the Core Strategy and in particular the plans for affordable housing?

**Summary of the Mayor's response:**

I am not able to go into the specifics, but I do agree that especially in the context of the drastic cuts imposed by the Tories, we need to minimise reliance on outside consultants except where absolutely necessary

**8.15 Question from Councillor Ann Jackson**

“Can the Lead Member give an update on any progress with the proposed sale of homes on the Crown Estate since the last meeting?”

**Response of the Mayor:**

Following the close of the consultation process in March 2010, the Board of the Crown Estate considered the responses received from stakeholders and announced over the summer that they had decided to proceed with the sale of their freehold interest in the 1300 properties they currently manage.

Bids were invited from prospective purchasers across the public and private sector imposing some important conditions on any future sale. These conditions included the continuation of key worker lettings on the estates at the current level (approx 9 out of 10 new lettings), a commitment to retain the current rent framework and protected tenancy terms and conditions.

The Board also introduced a new quality threshold to assess prospective purchasers' experience and expertise in managing mixed tenure housing that they would use when considering proposals submitted for the future management of the 4 estates.

At the same time the Board announced they had reopened the Choice Based Lettings scheme.

In September the Board confirmed they had selected a prospective purchaser, which we now understand to be Peabody Housing Association that met the required criteria.

This announcement prompted a second round of consultation that will take place during October where Residents will be invited to meet Peabody representatives first hand and hear their plans for the future management of their estates. The Board will also make summary copies available of the Associations policies, practices and track record so residents and stakeholders can familiarise themselves with the Associations' background.

Once the feedback from the consultation process has been analysed and any further concerns raised given due consideration, the Crown

Estate Board will make a final decision as to whether to complete the sale to Peabody Housing Association.

**Summary of supplementary question from Councillor Ann Jackson:**

Thank you for your response. There is an issue about key workers' and the current rent changes possibly meaning them being squeezed out of their homes. We are going to have to work even harder to hold on to these. Can you assure us that you will work hard to retain these homes for residents and key workers?

**Summary of the Mayor's response:**

I am strongly committed to affordable and publicly owned housing. I strongly support any moves to protect the residents of the Crown Estates and am more than happy to meet with you to discuss a way forward

**8.16 Question from Councillor Tim Archer**

"Why has the council spent £46,000 on a consultant to agree funds for elders lunch clubs?"

**Response of the Mayor:**

Lunch clubs are highly valued by older people in the Borough giving them an opportunity to socialise as well as to eat a hot meal. As part of the Cabinet priority of supporting older people members identified resources to fund additional lunch clubs in wards where there was little or no current provision.

In the last 9 months the additional funding has enabled the opening of 13 new lunch clubs offering lunches on 41 sessions per week, making an additional 615 places available in the borough on a weekly basis.

To set up these additional lunch clubs has been a significant amount of work. It involved talking to local Councillors about their knowledge of local organisations and premises; extensive research with local community organisations to establish interest in running lunch clubs; advertising for expressions of interest; ensuring suitable premises are used; ensuring that staff and volunteers have had the appropriate training in food hygiene; and negotiating and drafting contracts.

To achieve this it was always anticipated that additional short term staffing would be required in the Adults Health and Wellbeing Commissioning Team. This was factored into the funding proposal that Cabinet agreed on 4<sup>th</sup> November 2009. The Council recruited a short term worker, who worked for a nine-month period (November 2009 through to 31st August 2010) to set up the new lunch clubs. Now that the new clubs are established that temporary appointment has ceased.



**Summary of supplementary question from Councillor Tim Archer:**

Thank you for your response. It is shocking that £40K was spent on a consultant to sort out £200K. This is an example of waste. I would like you to look into this so that it does not happen again.

**Summary of the Mayor's response:**

I want to look to the future and not unpick pick past decisions

**8.17 Question from Councillor Stephanie Eaton**

"How many (a) social rented homes and (b) low cost home ownership homes were built in the London borough of Tower Hamlets in each year from 2005-6 to 2008-9, and how many households were on the Borough's housing waiting list in each year?"

**Response of the Mayor:**

	<b>Rent units built</b>	<b>Low cost Home Ownership</b>	<b>Total new homes built</b>	<b>Total households on LBTH waiting list at start of year</b>
<b>2005/06</b>	705	307	1,009	17,302
<b>2006/07</b>	759	277	1,036	18,881
<b>2007/08</b>	688	543	1,231	19,872
<b>2008/09</b>	453	511	964	21,729

**Summary of supplementary question from Councillor Stephanie Eaton:**

Thank you for your response. Is the Mayor satisfied with these figures how will the Mayor's housing policy differ from that of the previous administration.

**Summary of the Mayor's response:**

Housing is my number one concern. I'm proud to say that Tower Hamlets is building more affordable homes than any other borough in the country. On the campaign trail it was great to see the bulldozers moving in on the Ocean estate where we will see 2000 affordable homes in the next few years. I'm confident we'll see similar progress in Blackwall Reach very soon

Of course, we need to do more and I'm happy to meet with you and other members to discuss new ways to tackle this massive problem.

**9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**

There was no business to be considered under this heading.

**10. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS (IF ANY)**

There was no business to be considered under this heading.

**11. OTHER BUSINESS****11.1 Review of proportionality and allocation of places on committees and panels**

The Chair of Council, Councillor Motin Uz-Zaman, asked if Members agreed the recommendations set out in the tabled report. On being put to the vote these were agreed, with no Member voting against. Accordingly it was:-

**RESOLVED**

1. That the review of proportionality be noted and the allocation of seats on committees and panels for the remainder of the Municipal Year 2010/11 be agreed as set out at paragraph 4.2 of the report.
2. That Members and deputies be appointed to serve on those committees and panels in accordance with nominations from the political groups to be notified to the Assistant Chief Executive (Legal Services)
3. That in relation to the positions allocated to 'ungrouped' Councillors, the Assistant Chief Executive (Legal Services) be authorised to invite expressions of interest from those Councillors for appointment to the positions available and to make appointments to those positions following consultation with the Members concerned and the Chair of Council.

**11.2 Executive decisions taken under special urgency provisions****RESOLVED**

That the report be noted.

**12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL****Additional item and change to order of business**

At this point, Councillor Ohid Ahmed **MOVED** and Councillor Alibor Choudhury **SECONDED** – “That under Rule 27.1, Rule 13.1 be suspended to allow an urgent motion on Bancroft History Library and Archive to be considered.”

The procedural motion was put to the vote and was **carried**.

A further procedural motion was then **MOVED** by Councillor Ohid Ahmed and **SECONDED** by Councillor Oliur Rahman – “That under Rule 14.1.3 the order of business be varied so that the motion on Bancroft History Library and Archive be considered as the next item of business.”

The procedural motion was put to the vote and was **carried**.

**12.5 Additional Motion proposed by Councillor Ohid Ahmed regarding Bancroft History Library and Archive**

Councillor Ohid Ahmed **MOVED** and Councillor Rabina Khan **SECONDED** the following tabled motion –

“This Council notes that:

- In October 2008, the Cabinet decided not to proceed with the disposal of the Bancroft Local History & Archive, but to invest in its refurbishment as a focal point for the heritage of the East End, with an additional sum of £250,000 provided to make the building safe;
- In 2009, the Cabinet was faced with a difficult choice between using Accelerated Delivery Funding for Bancroft Library and kick starting the project to renovate Poplar Baths, and agreed to commit to the latter, while asking officers to identify other potential sources of funding for the former;
- In the spring, council officers identified a potential sum of up to £350,000 as being available for Bancroft from the £2.093 million contribution towards “*cultural, social and community products and for the provision of workspace off site*” in the Section 106 agreement for 32-42 Bethnal Green Road;
- A sum of £500,000 was agreed in Section 106 contributions from the former Peugeot site (438-490 Mile End Road) towards the Bancroft Library or other library facilities.

This Council believes that:

- The East End has a rich heritage that should be safeguarded and celebrated;
- The Bancroft Local History Library and Archive should be the focal point of that heritage;

- The fabric of its building needs further repairs and access to the library should be enhanced;
- The former Lead Member for Culture should not have requested the withdrawal of £350,000 funding from Bancroft in favour of the Rich Mix Centre;
- The decision on this request should have been made in Cabinet, not SDC.

This Council therefore resolves:

- To support the Mayor in his proposal that all £500,000 of the Section 106 from the Peugeot site development should be earmarked to the Bancroft Local History Library and Archive;
- To urge the Mayor to work with the Strategic Development Committee and review the allocation of Section 106 resources and secure the future of Bancroft Library and archives;
- That a report should be brought to the next full Council meeting for debate and consideration to help inform the Mayor's decisions on this matter."

Councillor David Edgar **MOVED** and Councillor Joshua Peck **SECONDED** an amendment to the motion – "To delete that the fourth and fifth bullet points under "this Council believes"; and under "this Council therefore resolves", to delete the reference to the Strategic Development Committee."

After discussion, the amendment was put to the vote and was **defeated**.

Councillor Shahed Ali sought advice on whether the Mayor had powers to instruct the Strategic Development Committee. In response Ms. Isabella Freeman, Assistant Chief Executive (Legal Services) stated that the Mayor did not have powers to do so."

Following further debate, Councillor Oliur Rahman **MOVED** and Councillor Alibor Choudhury **SECONDED** – "That under Rule 14.1.10 the question be now put."

The procedural motion was put to the vote and **agreed**.

Councillor Denise Jones rose to give a point of personal explanation under Rule 15.14. She had declared a personal interest as a Board Member of Rich Mix. Councillor Jones stated that it was never the case that the Bancroft History Library and Archives would be sold; and that she had not asked for £330k to be moved.

At this point, ten or more Members rose from their seats to request a recorded vote. A recorded vote was therefore held on the original motion as follows:

*For the motion: (28)*

Councillor Peter Golds  
Councillor Ohid Ahmed  
Councillor Rofique Uddin Ahmed

Councillor Shelina Aktar  
Councillor Tim Archer  
Councillor Abdul Asad  
Councillor Craig Aston  
Councillor Lutfu Begum  
Councillor Mizanur Chaudhury  
Councillor Alibor Choudhury  
Councillor Zara Davis  
Councillor Stephanie Eaton  
Councillor Marc Francis  
Councillor Carlo Gibbs  
Councillor Shafiqul Haque  
Councillor Sirajul Islam  
Councillor Dr. Emma Jones  
Councillor Aminur Khan  
Councillor Rabina Khan  
Councillor Rania Khan  
Councillor Mohammed Abdul Mukit  
Councillor Ahmed Omer  
Councillor Oliur Rahman  
Councillor David Snowdon  
Councillor Gloria Thienel  
Councillor Helal Uddin  
Councillor Abdal Ullah  
Councillor Amy Whitelock

*Against the motion: (0)*

*Abstained: (16)*

Councillor Helal Abbas  
Councillor Kabir Ahmed  
Councillor Khaled Uddin Ahmed  
Councillor Rajib Ahmed  
Councillor Shahed Ali  
Councillor David Edgar  
Councillor Judith Gardiner  
Councillor Ann Jackson  
Councillor Denise Jones  
Councillor Anwar Khan  
Councillor Anna Lynch  
Councillor Joshua Peck  
Councillor Zenith Rahman  
Councillor Rachael Saunders  
Councillor Bill Turner  
Councillor Motin Uz-Zaman

The motion was therefore **carried**. Accordingly it was:-

**RESOLVED**

This Council notes that:

- In October 2008, the Cabinet decided not to proceed with the disposal of the Bancroft Local History & Archive, but to invest in its refurbishment as a focal point for the heritage of the East End, with an additional sum of £250,000 provided to make the building safe;
- In 2009, the Cabinet was faced with a difficult choice between using Accelerated Delivery Funding for Bancroft Library and kick starting the project to renovate Poplar Baths, and agreed to commit to the latter, while asking officers to identify other potential sources of funding for the former;
- In the spring, council officers identified a potential sum of up to £350,000 as being available for Bancroft from the £2.093 million contribution towards *“cultural, social and community products and for the provision of workspace off site”* in the Section 106 agreement for 32-42 Bethnal Green Road;
- A sum of £500,000 was agreed in Section 106 contributions from the former Peugeot site (438-490 Mile End Road) towards the Bancroft Library or other library facilities.

This Council believes that:

- The East End has a rich heritage that should be safeguarded and celebrated;
- The Bancroft Local History Library and Archive should be the focal point of that heritage;
- The fabric of its building needs further repairs and access to the library should be enhanced;
- The former Lead Member for Culture should not have requested the withdrawal of £350,000 funding from Bancroft in favour of the Rich Mix Centre;
- The decision on this request should have been made in Cabinet, not SDC.

This Council therefore resolves:

- To support the Mayor in his proposal that all £500,000 of the Section 106 from the Peugeot site development should be earmarked to the Bancroft Local History Library and Archive;
- To urge the Mayor to work with the Strategic Development Committee and review the allocation of Section 106 resources and secure the future of Bancroft Library and archives;
- That a report should be brought to the next full Council meeting for debate and consideration to help inform the Mayor’s decisions on this matter.

**Proposal to change the order of business**

At this point, Councillor Peter Golds **MOVED** and Councillor Tim Archer **SECONDED** – “That under Rule 14.1.3 the order of business be varied so that Motion 12.2 be taken as the next item of business.”

The procedural motion was put to the vote and was **defeated**.

### **12.1 Motion proposed by Stephanie Eaton regarding Child Poverty in Tower Hamlets**

The motion as printed in the agenda was **MOVED** by Councillor Stephanie Eaton and **SECONDED** by Councillor Peter Golds.

Councillor David Edgar **MOVED** and Councillor Rachael Saunders **SECONDED**, a tabled **AMENDMENT** to the motion as follows:-

“Replace ‘This Council notes with sadness that:’ with ‘This Council notes’

Add:

#### **This Council further notes that:**

1. This Council’s previous commitment to tackling child poverty was recognised through a Beacon award and Corporate Commitment to Tackling London Child Poverty Award.
2. Data on child poverty in the borough from 2008 (the most recent available) shows a 6.6% reduction in the proportion of children living in poverty in Tower Hamlets from 2007. This reduction of 6.6% was the largest reduction of all local authorities in the country.

After ‘This Council welcomes’ add

#### **This Council is concerned**

- That the Institute of Fiscal Studies has said that the Government’s spending review is regressive and that *“Across every income group, families with children are the biggest losers.”* and
- That the Child Poverty Action Group has said that the Spending Review *‘will almost certainly add to, rather than reduce, child poverty’*
- By the discontinuation by the Government of the Child Development Grant (CDG) pilot and the reduction by 50% of revenue allocated to Tower Hamlets for Play Pathfinder.
- That without the pupil premium the schools budget will in fact reduce in real terms to 2015

- By the proposal by the Department for Education to remove the additional funding currently received by schools for addressing the learning needs of Bangladeshi children

**This Council further notes:**

- That overall the impact of these changes is as yet unknown but could result in a reduction rather than increase in funding.

Under 'This Council will' add:

- Continue to work to reduce child poverty in Tower Hamlets, including by lobbying ministers to increase funding for children in the borough overall."

Following debate, the amendment moved by Councillor David Edgar was put to the vote and was **agreed**.

At this point, Councillor Alibor Choudhury **MOVED** and Councillor Oliur Rahman **SECONDED** – That under Rule 14.1.10 the question be now put."

The procedural motion was put to the vote and was **agreed**.

The substantive motion as amended was then put to the vote and was **agreed**, with no Member voting against. Accordingly it was:-

**RESOLVED**

**This Council notes:**

1. Tower Hamlets has the highest levels of child poverty in the country.
2. Using the National Indicator 116 measure (the proportion of children who live in families in receipt of out of work means-tested benefits and those families in receipt of tax credits where their reported income is less than 60% of the median income) 48% of children in the borough live in poverty.
3. Alongside this 66% of children live in low income households – the Child Poverty Act 2010 makes a commitment to reduce this to 10% nationally.
4. 50% of children are in benefit dependent families.
5. 33% of families live on less than £20,000 per year.
6. Tower Hamlets has the highest free school meals entitlement in the UK (52% of children)

**This Council further notes that:**

1. This Council's previous commitment to tackling child poverty was recognised through a Beacon award and Corporate Commitment to



## Tackling London Child Poverty Award.

2. Data on child poverty in the borough from 2008 (the most recent available) shows a 6.6% reduction in the proportion of children living in poverty in Tower Hamlets from 2007. This reduction of 6.6% was the largest reduction of all local authorities in the country.

**This Council welcomes:**

The £7bn package for supporting children announced by the government which includes measures to ensure:

1. All disadvantaged two-year-olds will have an entitlement to 15 hours a week of pre-school education, in addition to the 15 hours already available to those aged three and four. The cash will go to the poorest 20% of children nationally of whom many will be in Tower Hamlets.
2. Schools will receive additional funds to offer targeted help to every pupil eligible for free school meals.
3. The vast bulk of the £7bn fairness premium – roughly £5bn – will be devoted to the pupil premium.
4. Schools will be entitled to spend the money as they see fit, for instance on catch-up classes for struggling pupils.

**This Council is concerned**

- That the Institute of Fiscal Studies has said that the Government's spending review is regressive and that *"Across every income group, families with children are the biggest losers."* and
- That the Child Poverty Action Group has said that the Spending Review *'will almost certainly add to, rather than reduce, child poverty'*
- By the discontinuation by the Government of the Child Development Grant (CDG) pilot and the reduction by 50% of revenue allocated to Tower Hamlets for Play Pathfinder.
- That without the pupil premium the schools budget will in fact reduce in real terms to 2015
- By the proposal by the Department for Education to remove the additional funding currently received by schools for addressing the learning needs of Bangladeshi children

**This Council notes:**

These measures will make a substantial and verifiable difference to the lives of the youngest and poorest people in our Borough.

**This Council further notes:**

- That overall the impact of these changes is as yet unknown but could result in a reduction rather than increase in funding.

**This Council will:**

- Work with Ministers and officials to ensure that correct information is supplied quickly and accurately to the Department of Education so that the children of Tower Hamlets can benefit from these proposals as soon as possible and the Borough can start to alleviate the unacceptable levels of child poverty.
- Continue to work to reduce child poverty in Tower Hamlets, including by lobbying ministers to increase funding for children in the borough overall.

**Proposed additional motion**

At this point Councillor Alibor Choudhury **MOVED** and Councillor Rania Khan **SECONDED** a procedural motion – “That under Rule 27.1, Rule 13.1 be suspended to enable an urgent motion on a £100 Council Tax Rebate for Pensioners to be considered.”

The Chair of Council, Councillor Motin Uz-Zaman informed the Council that the proposed motion gave rise to financial implications. Therefore in the event that the Council agreed to debate the motion and should the Council be minded to agree the motion, it would be necessary for the Council’s recommendations on the matter to be the subject of a report to the Cabinet.

The procedural motion was put to the vote and was **defeated**.

**12.2 Motion proposed by Councillor David Snowdon regarding publication of licensed hours and conditions imposed**

The motion as printed in the agenda was **MOVED** by Councillor David Snowdon and **SECONDED** by Councillor Zara Davis.

The motion was put to the vote and it was **agreed**, with no Member voting against. Accordingly it was:-

**RESOLVED**

This council notes:

- The significant resident interest in the licensing function of Tower Hamlets Council amongst residents of the Borough.
- The large number of licensing reviews and refused applications which result from breaches in licensed hours.

- The difficulty faced by local residents in finding out the details of the licensed hours of pubs, clubs and venues offering late night refreshment in Tower Hamlets.
- That there is no single repository on the Tower Hamlets website giving the details of the licensed hours in force, and that to find the licensed hours residents must either note them down from the official notice in the premises or locate the decision note from a licensing committee meeting.
- Other authorities offer online databases of the licensed hours in force, including Elmbridge, Southampton, the East Riding of Yorkshire and Woking.

This council believes:

- That residents have a right to easily accessible information on licensed hours.
- That it is not appropriate that residents should be asked to enter a licensed premises in order to note down their licensed hours, given that residents may already feel intimidated by the premises.
- That increased transparency in hours will lead to increased resident involvement in the licensing process, and help to limit the harm caused by breaches of the law.

This council resolves:

- To provide an online “one-stop-shop” which will provide details of all licenses granted by the licensing committee or officers acting under delegated power for licensable activities within the London Borough of Tower Hamlets.
- This online service will include a list of licensed establishments, searchable by name of establishment, type of establishment, ward and street. When an establishment is selected, the full licensed hours, together with any conditions imposed will then be displayed.
- This online service will have an accompanying map, upon which will be plotted licensed premises in the Borough. The map used will have suitable resolution to see individual streets within the Borough. When an establishment is selected on the map, the full licensed hours, together with any conditions imposed will then be displayed.
- This service will be available by January 1 2011.

**12.4 Motion proposed by Councillor Dr. Emma Jones regarding location of meetings**

The motion as printed in the agenda was **MOVED** by Councillor Dr. Emma Jones and **SECONDED** by Councillor David Snowdon.

Councillor Joshua Peck **MOVED**, and Councillor Helal Abbas **SECONDED** a tabled **AMENDMENT** as follows:-

“Delete all and replace with:

This Council notes that:

- Recent Cabinet Meetings have been held in venues across the Borough.
- That the agendas for some committees contain items which cover several LAP’s and are organised by officer deadlines.
- That some committees, such as Licensing Sub Committee take place more frequently than others.

This Council believes that:

- Increasing the amount of meetings that take place outside of the Town Hall gives residents greater opportunities to take part in the decision making processes and should be encouraged.
- That there may be practical, financial or procedural reasons why some committees cannot be moved outside of the Town Hall.

This Council resolves that:

- To call on the Executive Mayor to continue to hold his Cabinet meetings around the Borough
- To commit to holding future Council meetings around the Borough with the Council responsible for agreeing venues.
- To ask officers to investigate the financial, practical and procedural implications of holding Development, Strategic Development, Licensing and Overview and Scrutiny meetings at venues across the Borough in future.
- To ask for a report to be presented at the next Council meeting.”

Councillor Dr. Emma Jones and Councillor David Snowdon indicated that they accepted the amendment and varied their motion accordingly.

The motion as varied was put to the vote and was **agreed**. Accordingly it was:-

**RESOLVED**

This Council notes that:

- Recent Cabinet Meetings have been held in venues across the Borough.
- That the agendas for some committees contain items which cover several LAP's and are organised by officer deadlines.
- That some committees, such as Licensing Sub Committee take place more frequently than others.

This Council believes that:

- Increasing the amount of meetings that take place outside of the Town Hall gives residents greater opportunities to take part in the decision making processes and should be encouraged.
- That there may be practical, financial or procedural reasons why some committees cannot be moved outside of the Town Hall.

This Council resolves that:

- To call on the Executive Mayor to continue to hold his Cabinet meetings around the Borough
- To commit to holding future Council meetings around the Borough with the Council responsible for agreeing venues.
- To ask officers to investigate the financial, practical and procedural implications of holding Development, Strategic Development, Licensing and Overview and Scrutiny meetings at venues across the Borough in future.
- To ask for a report to be presented at the next Council meeting.

The meeting ended at 10.25 p.m.

Chair,  
Council

This page is intentionally left blank

**LONDON BOROUGH OF TOWER HAMLETS**

**COUNCIL MEETING**

**WEDNESDAY 8<sup>TH</sup> DECEMBER 2010**

**PETITIONS**

**REPORT OF THE SERVICE HEAD,  
DEMOCRATIC SERVICES**

## **SUMMARY**

1. The Council's constitution as amended provides that a maximum of three petitions are received at any meeting. These are taken in order of receipt. This report sets out the valid petitions submitted for presentation at the Council meeting on Wednesday 8<sup>th</sup> October 2010.
2. The deadline for receipt of petitions for this meeting is noon on Thursday 2<sup>nd</sup> December 2010. However, at the time of agenda despatch the maximum number of three petitions had already been received as set out overleaf.
3. In each case the petitioners may address the meeting for no more than three minutes. Members may then question the petitioners for a further four minutes. Finally, the relevant Cabinet Member or Chair of Committee may then respond to the petition for up to three minutes.
4. Any outstanding issues will be referred to the relevant Corporate Director for attention who will respond to those outstanding issues in writing within 28 days.
5. Members should confine their contributions to questions and answers and not make statements or attempt to debate.

## **5.1 Petition from Tower Hamlets Federation of Tenants and Residents Associations regarding secure tenancies and other housing issues**

“Tenants have the right to a permanent secure home. The Government’s cuts in housing benefit hit council as well as private tenants, cuts to housing services and the Prime Minister’s threat to secure tenancies will not build one new home but create insecurity, poverty and homelessness.

We reject threats to time-limit or means test tenancies in order to force us out of our homes. The answer to the shortage of secure, affordable homes is to build more council housing.

Tenants in Tower Hamlets have fought determined campaigns against privatisation and to defend our homes and rights. We demand the Government:

- Stop housing benefit cuts which hit the elderly, sick, unemployed and vulnerable
- Defend secure tenancies – no time limits or means testing
- Stop the robbery of £2 billion a year from council tenants’ rents
- Improve existing and build new council housing.”

## **5.2 Petition from Tower Hamlets Joint Trade Unions regarding cuts in public spending**

“We the below signed believe that the cuts in Public Spending announced in the Comprehensive Spending Review will have a devastating impact on communities like Tower Hamlets.

The cuts will affect everything from Health and Education, to Benefits and Policing. They will impact on services and on jobs having a huge detrimental impact on the local economy.

We are concerned that the Council has already given notice of the loss of up to 500 posts this financial year with more to follow.

We believe the Con Dem Coalition has no mandate for these savage cuts and the overwhelming majority of people in Tower Hamlets have voted for Mayoral candidates and Councillors expressing opposition to them.

Rather than implementing these cuts we call on the Council to work with Trade Unions and Community Groups to oppose the Con Dem Coalition cuts. This should include widely publicising what the impact of cuts will be on our community, organising a series of community meetings, and supporting the TUC national demonstration on 26 March 2011.”



### **5.3 Petition from Ms Jackie Turner and others regarding ‘No bed closures and job losses at Barts and the London Hospital!’**

“Despite government reassurances that NHS spending will be protected, management at Barts and the London NHS hospitals intend to make extensive cuts in the next three years. This is to meet government rules to become a Foundation Trust. Beds and staff are already cut to the bone. Yet management in Cancer Services recently cut ten acute Oncology beds to save money and have sacked many essential temporary staff.

With these cuts nursing and support staff will be asked to reapply for their jobs in “competitive interviews” and face possible redeployment and even redundancy.

Like all workers in the NHS, nurses and support staff in cancer services and across the Trust work hard to maintain a high standard of health care in increasingly difficult and stressful conditions. Fewer beds have meant ever more acute patients and understaffing has increased pressure on staff.

We urge Tower Hamlets Council to oppose cuts in the borough’s hospitals and to put pressure on the Chief Executive, Peter Morris, to reverse this decision. Cuts in the NHS can only have a detrimental affect on the health of the people of Tower Hamlets, a borough which already has one of the highest standard mortality ratios and lowest life expectancy in the UK.”

This page is intentionally left blank

**LONDON BOROUGH OF TOWER HAMLETS**

**COUNCIL MEETING**

**WEDNESDAY 8<sup>TH</sup> DECEMBER 2010**

**QUESTIONS SUBMITTED BY  
MEMBERS OF THE PUBLIC**

**REPORT OF THE SERVICE HEAD,  
DEMOCRATIC SERVICES**

## **SUMMARY**

1. Set out overleaf are the questions submitted by members of the public, for response by the appropriate Cabinet Member or committee chair at the Council Meeting on 8<sup>th</sup> December 2010.
2. The Council's Constitution sets a maximum time limit of twenty minutes for this item.
3. A questioner who has put a question in person may also put one brief supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. Supplementary questions and Members' responses to written and supplementary questions are each limited to two minutes.
4. Any question which cannot be dealt with during the twenty minutes allocated for public questions, either because of lack of time or because of non-attendance of the questioner or the Member to whom it was put, will be dealt with by way of a written answer.
5. Unless the Chair of Council decides otherwise, no discussion will take place on any question, but any Member of the Council may move, without discussion, that the matter raised by a question be referred for consideration by the Cabinet or the appropriate Committee or Sub-Committee.

## **QUESTIONS**

One question has been submitted as set out below:-

### **6.1 Question from Mr. Nick Sandell to Mayor Lutfur Rahman**

“Will the Mayor explain why Tower Hamlets Council takes 10 days to process an application for a Child Performance Certificate when most other Boroughs in London take seven days or less?”

**LONDON BOROUGH OF TOWER HAMLETS**

**COUNCIL MEETING**

**WEDNESDAY 8<sup>TH</sup> DECEMBER 2010**

**QUESTIONS SUBMITTED BY  
MEMBERS OF THE COUNCIL**

**REPORT OF THE SERVICE HEAD,  
DEMOCRATIC SERVICES**

## **SUMMARY**

1. Set out overleaf are the questions submitted by Members of the Council for response by Members of the Executive at the Council meeting on Wednesday 8<sup>th</sup> December 2010.
2. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted.
3. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. There is a time limit of thirty minutes for consideration of Members' questions with no extension of time allowed and any question not answered within this time will be dealt with by way of a written response. The Chair will decide the time allocated to each question.
5. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

## **MEMBERS' QUESTIONS**

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

### **8.1 Question from Councillor Carlo Gibbs to the Mayor, Lutfur Rahman**

“Can the Mayor give me an update on the effectiveness of the Tower Hamlets Enforcement Officers since the pilot programme began, particularly with regard to their policing of the Drinking Control Zone in Whitechapel, and whether the Mayor has considered extending the control zone to cover the whole borough?”

### **8.2 Question from Councillor Tim Archer to the Cabinet Member for Resources, Councillor Alibor Choudhury**

“Will the Lead Member for Resources outline what the council's Senior Management Team is doing in these times of austerity to lead by example when it comes to prudent spending and effective cost control?”

### **8.3 Question from Councillor Amy Whitelock to the Cabinet Member for Housing, Councillor Rabina Khan**

“What assessment has the Lead Member made of the likely impact of the Conservative-Liberal Democrat Government's significant changes to the available funding and eligibility criteria for Decent Homes funding on regenerating housing stock in the borough, and how does she plan to respond?”

### **8.4 Question from Councillor Peter Golds to the Mayor, Lutfur Rahman**

“Will the Mayor please comment on why he feels the need to employ a town hall staff comprising the newly created role of Head of Office (salary up to £59,982), an Executive Assistant, a Personal Assistant, a Political Advisor, a Policy Advisor, an Administrative Officer, and also splash cash on new iPhone 4 when Tower Hamlets Council has just issued a Section 188 notice to unions giving notice of over 100 possible redundancies?”

### **8.5 Question from Councillor Rachael Saunders to the Mayor, Lutfur Rahman**

“What meetings or correspondence has the Mayor had with Tower Hamlets PCT since his election in October?”

**8.6 Question from Councillor Zara Davis to the Deputy Mayor, Councillor Ohid Ahmed**

“In the light of the proposal from the Department for Communities and Local Government to limit the publication of Council newspapers to once a quarter, how quickly will this council follow best practice and reduce the frequency of East End Life or abolish it?”

**8.7 Question from Councillor Anna Lynch to the Mayor, Lutfur Rahman**

“Can the Mayor tell me what is the estimated additional full year cost to the Council's budget of setting up and staffing his office?”

**8.8 Question from Councillor Craig Aston to the Mayor, Lutfur Rahman**

“What progress has been made by the council in respect of holding planning and licensing meetings in the relevant LAP areas rather than in the Town Hall, as per the motion passed at the last Full Council?”

**8.9 Question from Councillor Khales Uddin Ahmed to the Cabinet Member for Housing, Councillor Rabina Khan**

“What action will this administration take to ensure that there is representation of local councillors on the board of Swan Housing Association, in particular their London branch?”

**8.10 Question from Councillor Dr. Emma Jones to the Cabinet Member for Resources, Councillor Alibor Choudhury**

“Would the Cabinet Member outline what preparations the Council has made to ensure that there will be enough resources to deal with snow this winter in areas which are not covered by Transport for London and other agencies?”

**8.11 Question from Councillor Bill Turner to the Cabinet Member for Children's Services, Councillor Oliur Rahman**

“Can the Cabinet Member tell me what steps he has taken to ensure that families, quality of service and local providers are not adversely affected by changes to the Personal Care Contract for disabled children in the Borough in light of the decision to transfer the contract away from local service providers with their roots in Tower Hamlets to multinational private companies?”

**8.12 Question from Councillor Gloria Thienel to the Cabinet Member for Housing, Councillor Rabina Khan**

“Considering that private tenants of some estates are provided with the facility to park and therefore have a car, why is the council discriminating against those in social housing who live on the same estate by imposing a no car policy?”

**8.13 Question from Councillor Carli Harper-Penman to the Cabinet Member for Housing, Councillor Rabina Khan**

“Why has the Council decided to change the name of the Bow Quarter to the ‘Bow Quarter Estate’ against the wishes of local residents?”

**8.14 Question from Councillor David Snowdon to the Mayor, Lutfur Rahman**

“What progress has been made on publishing details of all licensable activities on the Tower Hamlets website as per the motion at last full council?”

**8.15 Question from Councillor Shiria Khatun to the Cabinet Member for Children’s Services, Councillor Oliur Rahman**

“Does the Lead Member agree with me that the decision by the Conservative-Liberal Democrat Government to cut the Schools Sports Partnerships Programme will have a damaging impact on the health of our schoolchildren, especially considering its success in increasing participation in sport and our high levels of child obesity in the Borough?”

**8.16 Question from Councillor Mohammed Maium Miah to the Mayor, Lutfur Rahman**

“Considering that London Borough of Tower Hamlets is in the bottom quartile of London boroughs when judged on the condition of our principal roads, will you ensure that road maintenance and repair work is accorded a high priority for funding, particularly in view of the recent tragedies in Millwall ward?”

**8.17 Question from Councillor Shafiqul Haque to the Mayor, Lutfur Rahman**

“Can the Mayor tell me how he will ensure that when exercising his executive powers he takes into account the views and comments of all the Councillors?”



**8.18 Question from Councillor Stephanie Eaton to the Mayor, Lutfur Rahman**

“Could the Mayor explain the reason for the delay to the delivery of three Drug Awareness Campaign weeks by August 2010?”

**8.19 Question from Councillor David Edgar to the Mayor, Lutfur Rahman**

“Could the Mayor outline his budget strategy in response to the cuts imposed by the Conservative-Liberal Democrat government?”

**8.20 Question from Councillor Aminur Khan to the Mayor, Lutfur Rahman**

“Your priorities are improving housing and education and reducing crime and unemployment, how will you deliver this despite the Con-Dem cuts?”

**8.21 Question from Councillor Abdul Asad to the Mayor, Lutfur Rahman**

“Can the Mayor give us an indication of crime rates in the two and a half years since May 2008 and give us an indication of how he plans to build on the excellent work that previous Labour administrations have done in combating crime?”

**8.22 Question from Councillor Lutfu Begum to the Cabinet Member for Resources, Councillor Alibor Choudhury**

“What is the current budget situation in Tower Hamlets? Can you give us an idea of the cuts being forced on us by the Con-Dems and what are you doing to soften the blow?”

This page is intentionally left blank

**LONDON BOROUGH OF TOWER HAMLETS**  
**COUNCIL MEETING**  
**WEDNESDAY, 8<sup>TH</sup> DECEMBER 2010**  
**LICENSING POLICY REVIEW**  
**REPORT OF CORPORATE DIRECTOR -**  
**COMMUNITIES, LOCALITIES AND CULTURE**

## **SUMMARY**

1. This report advises Full Council on the review of the Council's Licensing Policy.

## **RECOMMENDATION**

2. The Council is recommended to adopt and request the publishing the Statement of Licensing Policy in Appendix B to this report.

## **BACKGROUND**

- 3.1 The Council's current Licensing Policy was adopted by Full Council in December 2007.
- 3.2 Under the Licensing Act 2003, the Council as the Borough's licensing authority must review its licensing policy every three years and publish the outcome of that review. The policy must be informed by a statutory consultation process.
- 3.3 Following consultation, the reviewed Licensing Policy must go to Full Council for consideration.
- 3.4 The Government is currently consulting on changes to the Licensing Act 2003; these changes will be substantial and are likely to be implemented within eighteen months requiring a further review at this time.

- 3.5 The current review is therefore suggesting minimal changes to the current policy. The changes respond in the main to guidance and regulatory change from central government during the course of the last three years. Therefore it is not considered necessary to go beyond the statutory levels of consultation. The Statutory Consultation requirements consist of:-
- The Chief Officer of Police for the Licensing Authority area
  - The Fire Authority for the area
  - Such persons as the Licensing Authority consider to be representative of holders of existing licences
  - Such persons as the Licensing Authority considers to be representative of holders of existing clubs
  - Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
- 3.6 The draft policy for consultation was presented to the Licensing Committee on 2<sup>nd</sup> November 2010 and commented on by them.
- 3.7 The responses from the consultation process have been analysed and any relevant changes incorporated in the revised Policy. None of the changes from the consultation process are significant or controversial.

#### **4.0 Policy Changes**

- 4.1 *Striptease and Lap Dancing Premises* - The Policing and Crime Act 2009 came into effect on 6 April 2010. One of the effects of that Act is to enable local authorities to adopt powers in that regulate sex entertainment venues (SEVs). As Striptease and Lap Dancing premises will be regulated by this legislation and not the Licensing Act 2003 this Council will adopt the powers. A separate policy for Sex Encounter Establishments will have to be developed and agreed by the Council. This will mean that Section 15 of the proposed Licensing Policy will be redundant and will be removed from the Licensing Policy. The new policy for Sex Encounter Establishments has been drafted and is being considered by Legal Services before it is brought to Cabinet

#### **5.0 Other Policy Changes**

- 5.1 Other changes are detailed in Appendix A to this report. The most significant additions are as a result of legislative changes these are:-
- *Minor Variations* - This enables the licence holder to make relatively minor variations to their premises, and the licensable activities they carry out, without being required to go through the full variation process
  - *Mandatory Conditions* – Government have introduced mandatory conditions that will be applied to all licences. These conditions relate to

- Drinks Promotions - Restricting drinks promotions that encourage irresponsible drinking.
- Age Restrictions / Proof of Age Cards – All licensees to have an age verification policy

5.2 *No Traveller Signs* - The Licensing Committee suggested that Section 22 be changed to refer to all adult minority groups

## 6.0 **Legal Comments**

6.1 Pursuant to section 5(1) of the Licensing Act 2003, the Council is required, on a 3 yearly basis, to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. The current version of the licensing policy was published on 7 January 2008 and thus expires on 6 January 2011.

6.2 The determination of the policy is a matter for full Council, by virtue of the Licensing Act 2003 and the Council's Constitution. Prior to such determination the Council must undertake statutory consultation, consider any representations, and make any changes to the proposed policy that are considered necessary to make in light of any such representations.

6.3 It is important that the licensing policy is presented to Full Council on 8 December 2010. The next meeting of Full Council after December is the meeting on 2 February 2011. This would leave the Council without a licensing policy for a period of just under one month, as the current policy expires on 6 January 2011. This would be a matter of concern, as section 4(3) of the Licensing Act 2003 requires the Council to have regard to its published licensing policy in carrying out its licensing functions. There is an argument that if the Council is temporarily without a licensing policy, then it is also temporarily unable to carry out licensing functions.

6.4. As to the content of the licensing policy, any proposed changes will have to be lawful and legal clarification on any proposed changes will need to be sought as part of the re-publishing process.

## 7 **Finance Comments**

7.1 There are no financial implications in this report.

## **8.0 One Tower Hamlets Implications**

- 8.1 The existing policy already contains a section on race equality. This section is still relevant and will be retained. A clear and equalities tested policy ensures transparency of process and demonstrates to all communities in the Borough that the Council's approach to licensing is fair to all.
- 8.2 The Policy has been revised to address the display of signs at premises that discriminate all adult minority groups.

## **9.0 Anti Poverty Implications**

- 9.1 The Licensing Policy, amongst other things, attempts to create an environment where licensed businesses can flourish in a controlled environment. Since the implementation of the Licensing Act 2003, the number of licensed premises in the Borough has increased by 43%.

## **10.0 Sustainable Action for a Greener Environment Implications**

- 10.1 None.

## **11.0 Risk Management Implications**

- 11.1 The major risk is ensuring the revised Licensing Policy is approved by February 2011. Failure to do so could lead to legal challenges to decisions made by the Council.

## **12. Crime and Disorder Reduction Implications**

- 12.1 The Licensing regime requires all premise licence holders to ensure they address matters of crime and disorder that relate to the operation of their licence. The Licensing Policy explains the expectation of how licensees can fulfil their obligations

## **13. Efficiency Statement**

- 13.1 There are no efficiency issues directly relating to this report. However, an effective licensing policy will ensure that there is less need to take expensive court actions and less disturbance resulting in the need for police intervention or intervention from other enforcement agencies.

## APPENDIX A

### Detailed Changes to the Licensing Policy

Page	Change
3	Hyperlinks added in Background
15	Para 12.9 – “Premises licensed for the sale of alcohol for consumption off the premises only” removed as late opening off licences have been the source of considerable anti social behaviour in the Borough
24	“No travellers” signs section to be changes to read all adult minority groups
28	The minor variations process allows for licence holders to make certain variations to their premises licence or club premises certificate, subject to specific restrictions. This enables the licence holder to make relatively minor variations to their premises, and the licensable activities they carry out, without being required to go through the full variation process which would be more time consuming and costly to the applicant. (Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates Order 2009’) Minor Variations have been added to the delegation of functions
29	Appendix 1, now carry a full list of responsible authorities. The previous policy referred to the list in a web link.
30, 31, 32	Government has made, under the Licensing Act 2003 a Mandatory Condition Order 2010. Appendix 2 of the policy has been amended to include these conditions The Pool conditions have been amended to take into account the mandatory conditions and are in Appendix 3

This page is intentionally left blank



## APPENDIX B

# Licensing Policy under the Licensing Act 2003

## Contents

Foreword .....	Page 1
Background and Context .....	Page 3
Section 1 Introduction.....	Page 4
Section 2 The Policy .....	Page 4
Section 3 Consultation .....	Page 4
Section 4 Main Principles of the Licensing Policy .....	Pages 5,6 & 7
Section 5 Crime and Disorder .....	Pages 7 & 8
Section 6 Cumulative Effect.....	Pages 8 & 9
Section 7 Public Safety .....	Pages 9 & 10
Section 8 Prevention of Nuisance .....	Page 10
Section 9 Prevention of Harm to Children .....	Pages 10,11 & 12
Section 10 Cinemas .....	Pages 12 & 13
Section 11 Children and Public Entertainment .....	Page 13
Section 12 Licensing Hours.....	Pages 13 & 14
Section 13 Shops, Stores and Supermarkets .....	Page 15
Section 14 Integrating Strategies and Avoiding Duplication	Page 16
Section 15 Standard Conditions .....	Pages 17,18 & 19
Section 16 Enforcement .....	Page 19
Section 17 Live Music, Dancing and Theatre .....	Pages 19 & 20
Section 18 Risk Assessments .....	Pages 20 & 21
Section 19 Temporary Event Notices .....	Page 22
Section 20 Review Process .....	Pages 22 & 23
Section 21 Responsibilities of Licence Holders .....	Page 24
Section 22 No Traveller Signs .....	Pages 24 & 25
Section 23 Promotion of Racial Equality.....	Page 25
Section 24 Duplication .....	Page 25
Section 25 Administration, Exercise and .....	Pages 25 & 26
Delegation of Functions	
Table of Delegations of Licensing Functions ...	Pages 25 and 26
Appendix 1 List of Responsible Authorities .....	Pages 27 and 28
Appendix 2 Mandatory Conditions .....	Pages 30 and 31
Appendix 3 List of Government Pool Conditions	Pages 32 and 61
Appendix 4 licensing Contact Details	Page 62

## Background and Context

**This Policy should be read in conjunction with:**

**The Licensing Act 2003** available from [www.hmso.gov.uk/acts/acts2003/20030017.htm](http://www.hmso.gov.uk/acts/acts2003/20030017.htm) or by telephoning 01603 723011

**Government Guidance under Section 182 of the Licensing Act 2003:** available on the website [www.dcms.gov.uk](http://www.dcms.gov.uk) or by telephoning 020 7211 6200

**Tower Hamlets guidance documents on making applications under the Licensing Act 2003** available from [http://www.towerhamlets.gov.uk/lgs/851-900/860\\_alcohol\\_and\\_entertainment.aspx](http://www.towerhamlets.gov.uk/lgs/851-900/860_alcohol_and_entertainment.aspx)  
Or available from the Licensing Service on 020 7364 5008

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

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

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

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

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

There's more detailed information about the four themes, and how they support One Tower Hamlets at:  
[www.towerhamlets.gov.uk/lgs/.../800022\\_community\\_plan.aspx](http://www.towerhamlets.gov.uk/lgs/.../800022_community_plan.aspx)

# **1 Introduction**

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

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

# **2 The Policy**

2.1 The 2003 Act requires that the Council, after consultation, adopts and publishes a Licensing Policy. It is a requirement that this Policy is reviewed at least every three years. This has been done in the past and the original policy is due for its 2<sup>nd</sup> review. The Licensing Authority will generally apply the policy when making decisions on applications made under the Act. However each individual application must still be treated on its own merits and must be given proper consideration.

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

# **3 Consultation**

3.1 The Council recognises the important role of responsible authorities, the licensing trade, local residents and other stakeholders have to play in influencing this Policy. The Council will consider a wide range of views that are made in response to the consultation before finalising and publishing the policy in 2011.

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

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

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

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

## 4 Main Principles of the Licensing Policy

- 4.1 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:-
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 4.2 All of the Policy and its implementation must be consistent with those four objectives.
- 4.3 Nothing in the Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits and / or override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 4.4 Licensing is about the control of licensed activities in licensed premises and the people in control of selling alcohol and or selling hot food and drinks past 23:00hrs and before 05:00 hrs. Conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.5 In relation to all applications, however, if its discretion is engaged, the Licensing Authority will also consider the impact on the vicinity of the application.
- 4.6 The Licensing Authority is not, itself a "responsible authority" and cannot itself make any representations about an application.
- 4.7 If representations are made by a "responsible authority" or interested party a hearing would then be convened where the Licensing Authority would exercise its discretion.
- 4.8 Where no representations are made the application must be granted subject only to the mandatory conditions or conditions that are consistent with the applicant's operating schedule.
- 4.9 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 4.10 Licensing laws are not the primary method of controlling anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, they are a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.
- 4.11 In this respect, the Licensing Authority recognises that, apart from the licensing function, (and issues around cumulative effect) there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including (the list is not exhaustive):\_
- planning controls
  - ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
  - designation of parts of the Borough as places where alcohol may not be consumed publicly
  - regularly liaison with Borough Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
  - the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate
- 4.12 The Licensing Authority recognises the positive benefits that the leisure industry brings to the Borough. This includes not just jobs and associated regeneration but also through music, dance and other entertainment that celebrates the rich mixture of cultural diversity and creativity that exists in the Borough.
- 4.13 The responsible authorities are given in **Appendix 1**.
- 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. 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.

- 4.15 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.
- 4.16 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.
- 4.17 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.

## **5 Crime and Disorder**

- 5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 5.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 5.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 200. (See **Appendix 2.**)

- 5.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 5.7 **Touting** - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits "touting."
- 5.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 5.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 5.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 5.11 The Licensing Authority expects to be given 28 days notice of temporary events, and for them to have been discussed with the Metropolitan Police before submission to the Council.

## 6 Cumulative Effect

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



- 6.7 However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 6.8 The Licensing Authority will review any special saturation policies every three years to see whether they have had the effect intended, and whether they are still required.
- 6.9 The Licensing Authority will not use such policies solely:-
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
  - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
  - to impose any form of quota
- 6.10 The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community.
- 6.11 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.
- 6.12 However, if the Licensing Authority does adopt a special policy concerning cumulative impact for a particular area it creates a rebuttable presumption that new applications or variations will be refused provided there is a relevant objection. Applicants will need to specifically address this in their operating schedule.
- 6.13 It will not normally be the case that a "cumulative impact" policy can be adopted in relation to off-sales, although the Licensing Authority will consider such a policy in the light of relevant representations.

## **7 Public Safety**

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

- 7.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire and Emergency Planning Authority before preparing their plans and Schedules.
- 7.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 7.4 The Licensing Authority, where its discretion is engaged, will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a Model Pool of Conditions as proportionate and appropriate are contained in Appendix 2.
- 7.5 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

## **8 Prevention of Nuisance**

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

## **9 Prevention of Harm to Children**

- 9.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

- 9.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 9.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 9.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
  - With a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is provided
  - Where irresponsible drinking is encouraged or permitted.
- 9.5 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
  - Limitations on ages below 18
  - Limitations or exclusion when certain activities are taking place
  - Requirements for an accompanying adult
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 9.6 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 9.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

- 9.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.
- 9.9 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm.

## **10 Access to Cinemas**

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

## **11 Children and Public Entertainment**

- 11.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 11.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
  - No child unless accompanied by an adult to be permitted in the front row of any balcony
  - No standing to be permitted in any part of the auditorium during the Performance

- 11.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.
- 11.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

## **12 Licensing Hours**

- 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.

12.8 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.

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

- 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.

- 12.10 In addition and in relation to all applications, whatever the hours applied for where its discretion is engaged, the Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents.
- 12.11 Where a negative impact is likely on local residents or businesses it is expected that the applicants' operating schedule will describe how this impact will be minimised.

### **13 Shops, Stores and Supermarkets**

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

## **14 Integrating Strategies and Avoiding Duplication**

14.1 The Council's licensing function relates, in broad terms to a number of other matters in particular;

- Local crime prevention
- Planning
- Transport
- Tourism
- Cultural strategies
- The night time economy

14.2 The Licensing Authority will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism, cultural and night time economy strategies.

14.3 The Licensing Authority will arrange for protocols with the Borough Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from relevant venues in the Borough.

14.4 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their decisions:

- The needs of the local tourist economy and cultural strategy for the Borough, and
- The employment situation in the Borough and the need for investment and employment where appropriate
- The night time economy, its economic contribution to the Borough and the Council's strategy for its development and management. As the Council develops its policy towards the night time economy, through Community Plans or Town Centre Plans and Core Strategies, otherwise the Licensing Policy will be reviewed as necessary.

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>.

## 15 Striptease

***(This section will be deleted on the adoption and implementation of the provisions of the Policing and Crime Act 2009 relating to Sex Encounter Establishments)***

- 15.1 The Licensing Authority will only seek to attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives.
- 15.2 The Licensing Authority confirms that, if its discretion is engaged and where appropriate and necessary for the promotion of the licensing objectives it will use the Government's suggested model pool of conditions that are attached as an Appendix 2 to the Licensing Authority.
- 15.3 In addition standard conditions required by the Licensing Act 2003, its regulations or guidance will be attached as relevant.

- 15.4 The licensing authority when its discretion is engaged will always consider all applications on their individual merits, however all applications involving adult entertainment of nudity or semi-nudity are unlikely to be successful where the premises is in the vicinity of:
- residential accommodation;
  - schools;
  - places of worship;
  - other premises where entertainment of a similar nature takes place;
  - community 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 Provisions) Act 1982 as amended by Part 111 of the Greater London Council (General Powers) Act 1986, and the London Borough of Tower Hamlets has set a limit of zero on such establishments. The licensing authority will appropriately monitor the premises it has licensed to ensure that all performances involving nudity or semi-nudity are dance to music or a like entertainment, and take appropriate enforcement action if they are not.
- 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
- 15.9 The Policing and Crime Act came into effect on 6 April 2010. One of the effects of that Act is to enable local authorities to adopt powers in that act, including sex entertainment venues (SEVs). This Borough will adopt the powers that will provide a Sex Encounter Establishment Policy with the intention of banning all lap dancing premises within the Borough.
- 15.10 The consultation regarding the Sex Establishment Policy will run simultaneously to the Licensing Policy and cause this Licensing Policy to be reviewed again within the next 12 months is adopted.
- 15.11 If the Sex Establishment is adopted, the changes to the Licensing Policy will be with regards to Section 15, 'Striptease'.

## **16 Enforcement**

- 16.1 Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act and the Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 16.2 The Licensing Authority will work closely with Borough Police to establish protocols to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high risk premises.
- 16.3 The Licensing Authority considers the protection of minors to be a particular priority for enforcement and will, in partnership with other agencies, especially the Police, seek to use the criminal sanctions of the Licensing Act to their fullest extent to achieve such protection.

## **17 Live Music, Dancing and Theatre**

- 17.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the desirability of encouraging and promoting live music, dance, theatre and festivals for the wider cultural benefit of the community, particularly for children. This broad strategy includes all forms of licensable live entertainment. The Licensing Authority recognises that a rich cultural provision

has a positive role in community cohesion.

- 17.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance these cultural needs with the necessity of promoting the licensing objectives.
- 17.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused. The Licensing Authority will regulate live performances on a risk assessed basis and we will be mindful of the licensing objectives and the need to ensure we are not committing disproportionate costs to regulation.
- 17.4 The Licensing Authority will request and receive a report from Cultural Services, which examines the issue of licensing in relation to the use of its open spaces and how this promotes local festivals and cultural diversity.
- 17.5 That at the time of the review of this policy the Licensing Authority will seek the views of Cultural Services on, amongst other matters, whether the new licensing regime is having an adverse impact on live music or other licensable live entertainment.

## **18. Risk Assessments**

- 18.1 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.
- 18.2 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.
- 18.3 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](mailto:ClubsFocusDesk-CO14@met.police.uk) and the local authority and police licensing section, which are contained in the link of responsible authorities.

- 18.4 **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.
- 18.5 The Premises Licence Conditions proposed by can be recommended as part of a pool of standard conditions. They will not be imposed on any licence as a condition, unless as suggested in the policy statement, applicants address risk assessment in their operating schedules, or one of the statutory authorities submits relevant representations for any application received. If conditions are to be applied, they will have to be relevant and proportionate to the matters raised in representations by the Responsible Authorities.
- 18.6 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.
- 18.7 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.
- 18.8 **Definition of a 'Significant Event'**  
This definition relates to events that require a Promotion/Event Risk Assessment Form 696.
- 18.9 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.
- 18.10 Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.

## **19. Temporary Event Notices Process**

- 19.1 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.
- 19.2 Under the Licensing Act 2003, the number of temporary events notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. The number of times a premise can be used in one year is limited to 12. In any other circumstances, full premises licence or club premises certificate would be required for the period of the event involved.
- 19.3 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.
- 19.4 The Police must also be notified of an application. This allows the Police to intervene if necessary in order to prevent crime and disorder.
- 19.5 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.

## **20. Review Process**

### **20.1 Working in partnership**

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

### **20.2 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.

### 20.3 **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.

### 20.4 **Initiating Reviews**

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

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

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

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

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

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

### **Steps that can be taken by the Council include:**

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

20.9 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.

## **21 Responsibility of Licence Holders and Designated Premises Supervisors**

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

## **22 “No Traveller” and similar signs**

22.1 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.

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

## **23 Promotion of Racial Equality**

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



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

## 24 Duplication

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

## 25 Administration, Exercise and Delegation of Functions

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

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

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

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

authorities			
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc;			All cases
Decision to object when local authority is consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Decision on whether a minor variation application is valid, the need to go out to consultation and determination.			All cases

- 25.4 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. These decisions cannot be reversed.
- 25.5 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 25.6 The officers to exercise the discretion are officers who are responsible for the Licensing function, who are given the appropriate delegated authority.

# Appendix 1:

## List of Responsible Authorities

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

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

**Metropolitan Police Service**

Tower Hamlets Division  
Licensing Office  
Bethnal Green Police Station  
12 Victoria Park Square  
London E2 9NZ

Tel: 020 8217 4118

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

**Fire Safety Regulation**

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

Tel: 020 8555 1200

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

i.) **Health and Safety**

London Borough of Tower Hamlets  
Environment Commercial and Trading Standards  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

Tel: 020 7364 5008

**OR**

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

Tel: 020 7556 2100

OR

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

Tel: 0168 9890400

**AND**

iv.) Local Weights and Measures Authority  
Trading Standards  
Administration Section  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

Tel: 020 7364 5008

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

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

Directorate of Development and Renewal  
Development Control  
Mulberry Place (AH)  
P.O. Box 55739  
5 Clove Crescent  
London E14 1BY

Tel: 020 7364 5009

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

London Borough of Tower Hamlets

**Environmental Protection**

Administration Section

Mulberry Place (AH)

PO Box 55739

5 Clove Crescent

London E14 1BY

Tel: 020 7364 5007

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

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

CPRS Unit

2<sup>nd</sup> Floor

Mulberry Place

5 Clove Crescent

London

E14 2BG

Tel: 020 7364 3496

This list can also be found at:

[www.towerhamlets.gov.uk/data/business/data/regulations/data/licensing-act-2003](http://www.towerhamlets.gov.uk/data/business/data/regulations/data/licensing-act-2003)

## Appendix 2

### Mandatory Conditions

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

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

#### From 6<sup>th</sup> April 2010

**(1)** The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

**(2)** In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

**(a)** games or other activities which require or encourage, or are designed to require or encourage, individuals to—

**(i)** drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

**(ii)** drink as much alcohol as possible (whether within a time limit or otherwise);

**(b)** provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

**(c)** provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

**(d)** provision of free or discounted alcohol in relation to the viewing on the premises of a

sporting event, where that provision is dependent on—  
**(i)** the outcome of a race, competition or other event or process, or  
**(ii)** the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**2.** The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**3.** The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**In addition From 10<sup>th</sup> October 2010:**

**4.(1)** The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**5.** The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

**(i)** beer or cider: ½ pint;

**(ii)** gin, rum, vodka or whisky: 25 ml or 35 ml; and

**(iii)** still wine in a glass: 125 ml; and

**(b)** customers are made aware of the availability of these measures.

## **Appendix 3:**

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

#### **Conditions relating to the prevention of crime and Disorder**

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

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

Conditions enforcing these arrangements are therefore unnecessary.

#### **General**

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

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

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

Under no circumstances should the following measures be regarded as standard



conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

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

## **Text/Radio pagers**

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

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

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

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

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

## **Door supervisors**

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

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

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

## **Bottle bans**

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

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

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

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

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

## **Plastic containers and toughened glass**

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

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

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

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

## **CCTV**

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

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

## **Open containers not to be taken from the premises**

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

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

## **Restrictions on drinking areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

## **Capacity limits**

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

## **Crime prevention notices**

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

## **Signage**

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

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

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

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities,

used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

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

a) a prescribed capacity;

b) an appropriate ratio of tables and chairs to customers based on the capacity;

and

c) the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

# Annex E

## Conditions relating to public safety (including fire safety)

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

### General

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

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

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

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

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

**The following British Standards should also be considered:**

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

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

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

## **People with Disabilities**

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

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

## Escape routes

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

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

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

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

## Safety checks

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

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



## **Curtains, hangings, decorations and upholstery**

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

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

## **Accommodation limits**

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

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

## **Fire action notices**

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

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

## **Outbreaks of fire**

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

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

## **Loss of water**

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

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

## **Access for emergency vehicles**

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

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

## **First aid**

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

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

## Lighting

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

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

## Temporary electrical installations

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

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

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

ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

## **Indoor sports entertainments**

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

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

## **Alterations to the premises**

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

## Special effects

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

Specials effects which should be considered include:

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

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

# Annex F

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

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

### **Premises used for closely seated audiences**

#### **Attendants**

(a) The number of attendants on each floor in a closely seated auditorium should be as set out below:

- Between 1-100 members of the audience present on a floor – 1 attendant must be present on that floor.
- Between 101-250 members of the audience present on a floor – 2 attendants must be present on that floor.
- Between 251 - 500 members of the audience present on a floor – 3 attendants must be present on that floor.
- Between 501-750 members of the audience present on a floor – 4 attendants must be present on that floor.
- Between 75-1000 members of the audience present on a floor – 5 attendants must be present on that floor.

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

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat which would reduce the

clear width of seat ways or cause a tripping hazard or obstruction.

- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

## **Standing and sitting in gangways etc.**

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

## **Drinks**

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

## **Balcony Fronts**

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

## **Special effects**

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

Specials effects include:

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

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

## **Scenery**

Any scenery should be maintained flame-retardant.

## **Safety curtain**

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

## **Ceilings**

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

## **Seating**

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

## **Premises used for film exhibitions**

### **Attendants – premises without a staff alerting system**

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out below:

- Between 1-250 members of the audience present on a floor – 2 attendants must be present on that floor.
- And one additional attendant for each additional 250 members of the audience present (or part thereof)
- Where there are more than 150 members of an audience in any auditorium or on any floor at least one attendant shall be present in any auditorium or on any floor.

### **Attendants – premises with a staff alerting system**

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out below:

- Between 1 - 500 members of the audience present on the premises – 2 attendants must be present on that floor and 1 other staff member must be on the premises who will be available to assist in the event of an emergency



- Between 501 - 1000 members of the audience present on the premises – 3 attendants must be present on that floor and 2 other staff member must be on the premises who will be available to assist in the event of an emergency
- Between 1501 or more members of the audience present on the premises – 5, plus one for every 500 (or part thereof) persons (or part thereof) persons over 2000 on the premises, attendants must be present on that floor and 5 plus one for every 500 over 2000 on the premises other staff member must be on the premises who will be available to assist in the event of an emergency

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

## **Minimum lighting**

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

## **Flammable films**

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

# Annex G

## Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises.

These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

### General

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

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

### Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members

and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

## **Noise and vibration**

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

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

## **Noxious smells**

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

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
- Light pollution In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:
- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

# Annex H

## Conditions relating to the protection of children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

## Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00, there should be a

presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should, explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.

- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

## **Age Restrictions – specific**

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;  
family entertainment; or  
non-alcohol events for young age groups, such as under 18's dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;  
during "Happy Hours" or on drinks promotion nights; or during activities outlined in the first bullet point in the first paragraph above.

## Age restrictions – Cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
  - U - Universal. Suitable for audiences aged four years and over
  - PG - Parental Guidance. Some scenes may be unsuitable for young children
  - 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
  - 15 - Passed only for viewing by persons aged 15 years and over
  - 18 - Passed only for viewing by persons aged 18 years and over
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

## **Theatres**

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F).

## **Performances especially for children**

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## **Children in performances**

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 (as amended) set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements.

However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

## **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report.

If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.

The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.



# Annex I

## Statutory qualifying conditions for clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

### 62 The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not —
  - (a) be admitted to membership, or
  - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

### 63 Determining whether a club is established and conducted in good faith

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are —
  - (a) any arrangements restricting the club's freedom of purchase of alcohol;
  - (b) any provision in the rules, or arrangements, under which —
    - (i) money or property of the club, or
    - (ii) any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;

- (c) the arrangements for giving members information about the finances of the club;
  - (d) the books of account and other records kept to ensure the accuracy of that information;
  - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

## **64 The additional conditions for the supply of alcohol**

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members —
- (a) are members of the club;
  - (b) have attained the age of 18 years; and
  - (c) are elected by the members of the club.

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from
- (a) any benefit accruing to the club as a whole, or
  - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

## **65 Industrial and provident societies, friendly societies Etc.**

- (1) Subsection (2) applies in relation to any club which is —
  - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),
  - b) a registered society, within the meaning of the Friendly Societies Act 1974 (c). (46) (see section 111(1) of that Act), or
  - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
  
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that —
  - (a) the purchase of alcohol for the club, and
  - (b) the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.
  
- (3) References in this Act, other than this section, to —
  - (a) subsection (2) of section 64, or
  - (c) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.
  
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly —
  - (a) the premises of the society are to be treated as the premises of a club,
  - (b) the members of the society are to be treated as the members of the club,
  - and (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
  
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions —
  - (a) condition 3 in subsection (4) of section 62,
  - (b) condition 5 in subsection (6) of that section,
  - (c) the additional conditions in section 64.
  
- (6) In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

# Annex J

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

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

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

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

# Annex K

## Key actions for licensing authorities in connection with Safer Clubbing

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

Key activities of licensing authority officers include:

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

# Appendix 3:

## Licensing Contact Details

A printed version of the DRAFT policy can be obtained from:

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

Telephone: 020 7364 5008

Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

It is also available for inspection at the above office.

# Agenda Item 11.1

<b>COMMITTEE:</b> Council	<b>DATE:</b> 8 December 2010	<b>CLASSIFICATION:</b> Unrestricted	<b>REPORT NO.</b>	<b>AGENDA NO.</b>
<b>REPORT OF:</b> Corporate Director of Resources		<b>TITLE:</b> Mid Year Review Report on 2010/11 Treasury Management and Investment Strategy		
<b>ORIGINATING OFFICER(S):</b> Oladapo Shonola, Chief Financial Strategy Officer		<b>Ward(s) affected:</b> All		

<b>Lead Member</b>	<b>Not Known</b>
<b>Community Plan Theme</b>	<b>All</b>
<b>Strategic Priority</b>	<b>One Tower Hamlets</b>

## 1. SUMMARY

- 1.1 This report reviews the Treasury Management and Investment Strategy that was approved by Full Council on 3 March as prescribed by the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (Revised 2009).
- 1.2 The report reviews how the Resources Treasury Management team has managed the Council's cash balances, investments, including the effective management of treasury related risks. The report also sets out in detail the economic environment and how this has impacted on investment returns.

## 2. DECISIONS REQUIRED

- 2.1 Members are recommended to note the contents of this report.

## 3. REASONS FOR DECISIONS

- 3.1 The Local Government Act 2003 and the Local Authorities (Capital Financing and Accounting) Regulations 2003 requires that regular reports be submitted to Council/Committee detailing the council's treasury management activities.
- 3.2 Furthermore, the CIPFA Treasury Management Code of Practice requires that Full Council/Committee should receive a Mid-year Report reviewing Treasury Management/Investment.

## 4. ALTERNATIVE OPTIONS

- 4.1 The Council is bound by legislation to have regard to the CIPFA Treasury Management (TM) Code. The Code requires that the Council should receive a mid-year report reviewing treasury management and investment.
- 4.2 If the Council were to deviate from those requirements, there would need to be some good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about treasury management activities and to ensure that these activities are in line with the investment strategy approved by the Council

## **5 BACKGROUND**

- 5.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised November 2009) has been adopted by the Council.
- 5.2 One the requirements of the Code is that Full Council/Committee should receive an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report and an Annual Report (stewardship report) covering activities during the previous year.
- 5.3 The Treasury Management Strategy, Investment Strategy and Minimum Revenue Provision reports was included in the Budget Pack that was presented to Full Council on 3 March. The Outturn report was included in the Treasury Management Activity Report to 4 July Cabinet.
- 5.4 This mid year report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:
- An economic update for the first six months of 2010/11
  - A review of the Treasury Management Strategy Statement and Annual Investment Strategy
  - A review of the Council's investment portfolio for 2010/11
  - A review of the Council's borrowing strategy for 2010/11
  - A review of any debt rescheduling undertaken during 2010/11
  - A review of compliance with Treasury and Prudential Limits for 2010/11

## **6. AN ECONOMIC UPDATE FOR THE FIRST SIX MONTHS OF 2010/11**

### **6.1 GLOBAL ECONOMY**

- 6.1.1 The sovereign debt crisis peaked in May 2010 prompted, in the first place, by major concerns over the size of the Greek government's total debt and annual deficit. However, any default or write down of Greek debt would have substantial impact on other countries, in particular, Portugal, Spain and Ireland. This crisis culminated in the European Union (EU) and International Monetary Fund (IMF) putting together a €750bn support package in mid May.
- 6.1.2 Growth in the US, UK and the Euro zone in quarter 2 of 2010 was particularly driven by strong growth in the construction sector catching up from inclement weather earlier in the year and is unlikely to be repeated; general expectations are for much more subdued figures for the remainder of 2010. Market expectations for all three sectors of the economy is that these have all peaked and are pointing downwards, though not necessarily in to negative territory.

### **6.2 UK ECONOMY**

- 6.2.1 Following the general election in May 2010, the coalition government has put in place an austerity plan to carry out correction of the public sector deficit over the next five years. The inevitable result of fiscal contraction will be major job losses during this period, in particular in public sector services. This will have a knock on effect on consumer and business confidence. UK Gross Domestic Product (GDP) is likely to have peaked at 1.2% in quarter 2, although unemployment seems to be following an opposite trend – rising since July. It remains to be seen whether these gains in



employment can be sustained once the expected large scale lay off in the public sector takes place.

6.2.2 **Inflation and Bank Rate** – CPI has remained high so far during 2010. It peaked at 3.7% in April and has fallen back to 3.1% in August. RPI remains high, at 4.7% in August. Although inflation has remained stubbornly above the Bank of England Monetary Policy Committee’s 2% target, the MPC is confident that inflation will fall back under the target over the next two years.

6.2.3 The Council’s Treasury Advisor, Sector’s view is that there is unlikely to be any increase in Bank Rate until the middle of 2011.

### 6.3 COUNCILS TREASURY ADVISOR’S VIEW

6.3.1 Sector believes that the longer run trend is for gilt yields and Public Works Loans Board (PWLB) rates to rise due to the high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries.

Sector’s interest rate forecast

	Sep-10	Dec-10	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13
Bank Rate	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	2.00%	2.50%	3.00%	3.25%
5yr PWLB rate	2.20%	2.20%	2.20%	2.40%	2.60%	2.80%	3.00%	3.30%	3.60%	3.80%	4.10%	4.40%
10yr PWLB rate	3.30%	3.30%	3.30%	3.40%	3.70%	3.90%	4.00%	4.30%	4.40%	4.60%	4.60%	4.90%
25yr PWLB rate	4.20%	4.20%	4.30%	4.30%	4.40%	4.50%	4.70%	4.70%	4.80%	5.00%	5.00%	5.00%
50yr PWLB rate	4.20%	4.20%	4.30%	4.30%	4.40%	4.50%	4.70%	4.70%	4.80%	5.00%	5.00%	5.00%

## **7. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY UPDATE**

7.1 The Treasury Management Strategy Statement (TMSS) for 2010/11 was approved by the Council on 03 March 2010. The Council's Annual Investment Strategy, which is incorporated in the TMSS, outlines the Council's investment priorities as follows:

- Security of capital
- Liquidity

7.2 The Council will also aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term (maximum loan period of 12 months), and only directly invest with highly (AA-) credit rated financial institutions, the UK government or AAA rated money market funds. Definition of credit ratings is attached at Appendix 1 at the end of this report.

<b>Institution</b>	<b>Minimum High Credit Criteria</b>	<b>Use</b>
Debt Management Office (DMO) Deposit Facility	Not applicable	In-house
Term deposits – Other Local Authorities	Not applicable	In-house
Term deposits – banks and building societies	Short-term F1+, Long-term AA-	In-house
Institutions with Government guarantee on ALL deposits by high credit rated (sovereign rating) countries.	Sovereign rating	In-house
Institutions with UK Government support.	Sovereign rating	In-house
<b>Collective Investment Schemes structured as Open Ended Investment Companies (OEICs)</b>		
Money Market Funds (MMF)	AAA rated	In-house

7.3 A breakdown of the Council's investment portfolio is shown in Section 8 of this report.

7.4 Borrowing rates have been at historically low rates during the first six months of the 2010/11 financial year. Any new external borrowing undertaken has been identified in Section 9 of this report.

7.5 Investments and borrowing during the first six months of the year have been in line with the strategy, and there have been no deviations from the strategy.

7.6 As outlined in Section 6 above, there is still considerable uncertainty and volatility in the financial and banking market, both globally and in the UK. In this context, it is considered that the strategy approved on 03 March 2010 is still fit for purpose in the current economic climate.

## 8. INVESTMENT PORTFOLIO 2010/11

- 8.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite.
- 8.2 The investment portfolio yield for the first six months of the year is 1.09% against a benchmark of 1.25%.
- 8.3 A summary of investments held as at 30th September 2010, compared to investments at the start of the year (1 April 2010) is shown below:

Investments as at 01 April 2010		
	Amount	Average Interest Rate
<b>Total Investments</b>	<b>83,100,000</b>	<b>1.23%</b>
Investments as at 30 September 2010		
	Amount	Average Interest Rate
<b>Total Investments</b>	<b>149,636,000</b>	<b>1.08%</b>

- 8.4 As illustrated in the economic background section above, investment rates available in the market are at a historical low point. The average level of funds available for investment purposes in the first six months of 2010/11 was £148.3m. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme.

Benchmark	Council Performance	Investment Interest Earned at 30 Sept
1.25%	1.08%	£795.5k

- 8.5 As illustrated, the authority underperformed the benchmark by 0.17 bps. The Council's budgeted investment return for 2010/11 is £1.6m, and performance for the year to date is in line with the budget.
- 8.6. The current treasury strategy is a risk averse one, which restricts investments to a very narrow range of institutions, and this is affecting investment returns. The investment strategy needs to set an appropriate balance between returns and security in order to optimise returns. The Chief Finance Officer will give further consideration to the risks with the treasury management advisor and consider proposing an easing of the strategy for 2011/12. This is likely to involve no change in strategy as regards institutional ratings.

## 9. NEW EXTERNAL BORROWING

- 9.1 The Council's capital financing requirement (CFR) for 2010/11 is £438.1m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing).

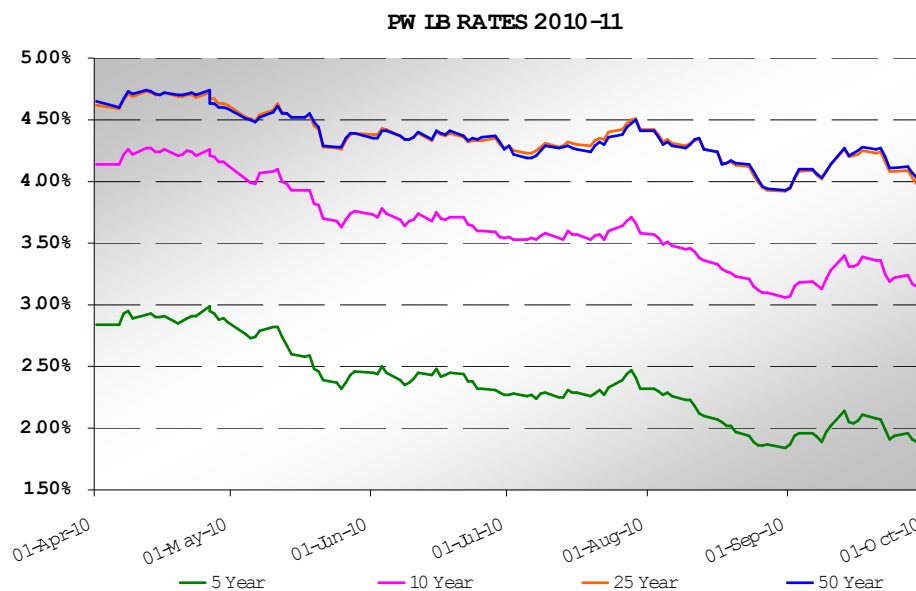
9.2 The Council's treasury advisor's central target rate for new external long term borrowing (25 years) for the first six months of 2010/11 started at 4.65% and fell progressively to 4.20%. Due to the overall financial position and the underlying need to borrow for capital purposes (the capital financing requirement - CFR), new external borrowing of £51m was undertaken from the PWLB as per table below.

Type of Loan	Amount	Date of Borrowing	Interest Rate	Term
Maturity	£30,000,000	10 May 2010	4.20%	25 Years
Maturity	£21,000,000	10 May 2010	4.24%	25 Years

9.3 As outlined below, the general trend has been a reduction in interest rates during the six months, across all bands, with the low points occurring in the middle to end of August. The high points were in early to mid April.

9.4 It is anticipated that further borrowing will not be undertaken during this financial year.

9.5 The graph and table below show the movement in PWLB rates for the first six months of the year and provide benchmarking data showing high and low points etc:



**PWLB BORROWING RATES 2010/11 FOR 1 to 50years**

	1	2	3	4	5	10	25	50
<b>01-Apr-10</b>	0.81%	1.37%	1.91%	2.40%	2.84%	4.14%	4.62%	4.65%
<b>30-Sep-10</b>	0.64%	0.91%	1.22%	1.55%	1.88%	3.14%	3.95%	4.01%
<b>HIGH</b>	0.93%	1.52%	2.07%	2.56%	2.99%	4.27%	4.73%	4.74%
<b>LOW</b>	0.60%	0.89%	1.20%	1.52%	1.84%	3.06%	3.92%	3.93%
<b>spread</b>	0.33%	0.63%	0.87%	1.04%	1.15%	1.21%	0.81%	0.81%
<b>average</b>	0.73%	1.15%	1.58%	1.99%	2.37%	3.65%	4.35%	4.35%
<b>high date</b>	26/04/10	26/04/10	26/04/10	26/04/10	26/04/10	12/04/10	12/04/10	26/04/10
<b>low date</b>	15/06/10	24/08/10	25/08/10	31/08/10	31/08/10	31/08/10	31/08/10	31/08/10

## **10. DEBT RESCHEDULING**

10.1 No debt rescheduling was undertaken during the first six months of 2010/11

## **11. COMPLIANCE WITH TREASURY AND PRUDENTIAL LIMITS**

11.1 It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits". Council's approved Treasury and Prudential Indicators (affordability limits) are outlined in the approved TMSS.

11.2 During the financial year to date the Council has operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators are shown in appendix 3 at the end of this report.

## **12. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

12.1 The comments of the Corporate Director Resources have been incorporated into the report.

## **13 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

13.1 The Committee is asked to note the information in the report concerning the Council's treasury transactions undertaken by the Corporate Director of resources under delegated powers.

## **14 ONE TOWER HAMLETS CONSIDERATIONS**

14.1 Interest on the Council's cash flow has historically contributed significantly towards the budget.

## **15 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

15.1 There are no Sustainable Actions for A Greener Environment implications.

## **16 RISK MANAGEMENT IMPLICATIONS**

16.1 Any form of investment inevitably involves a degree of risk. To minimise risk the investment strategy has restricted exposure of council cash balances to UK backed banks or institutions with the highest short term rating or strong long term rating.

## **17 CRIME AND DISORDER REDUCTION IMPLICATIONS**

17.1 There are no crime and disorder reduction implications arising from this report.

## **18 EFFICIENCY STATEMENT**

- 18.2 Monitoring and reporting of treasury management activities ensures the Council optimises the use of its monetary resources within the constraints placed on the Council by statute, appropriate management of risk and operational requirements.

---

**LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D**

**LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

***Brief description of "background papers"***

***Name and telephone number of holder***

***And address where open to inspection***

*Investment Reports; Sector Treasury Advisory Services*

*Oladapo Shonola Ext. 4733*

*Mulberry Place, 4<sup>th</sup> Floor.*

## Appendix 1: Definition of Credit Ratings

### Support Ratings

Rating	
1	A bank for which there is an extremely high probability of external support. The potential provider of support is very highly rated in its own right and has a very high propensity to support the bank in question. This probability of support indicates a minimum Long-term rating floor of 'A-'.
2	A bank for which there is a high probability of external support. The potential provider of support is highly rated in its own right and has a high propensity to provide support to the bank in question. This probability of support indicates a minimum Long-term rating floor of 'BBB-'.
3	A bank for which there is a moderate probability of support because of uncertainties about the ability or propensity of the potential provider of support to do so. This probability of support indicates a minimum Long-term rating floor of 'BB-'.
4	A bank for which there is a limited probability of support because of significant uncertainties about the ability or propensity of any possible provider of support to do so. This probability of support indicates a minimum Long-term rating floor of 'B'.
5	A bank for which external support, although possible, cannot be relied upon. This may be due to a lack of propensity to provide support or to very weak financial ability to do so. This probability of support indicates a Long-term rating floor no higher than 'B-' and in many cases no floor at all.

### Short-term Ratings

Rating	
F1	<b>Highest credit quality.</b> Indicates the strongest capacity for timely payment of financial commitments; may have an added "+" to denote any exceptionally strong credit feature.
F2	<b>Good credit quality.</b> A satisfactory capacity for timely payment of financial commitments, but the margin of safety is not as great as in the case of the higher ratings.
F3	<b>Fair credit quality.</b> The capacity for timely payment of financial commitments is adequate; however, near-term adverse changes could result in a reduction to non-investment grade.

## Long-term Ratings

Rating	Current Definition (August 2003)
<b>AAA</b>	<b>Highest credit quality.</b> 'AAA' ratings denote the lowest expectation of credit risk. They are assigned only in case of exceptionally strong capacity for timely payment of financial commitments. This capacity is highly unlikely to be adversely affected by foreseeable events.
<b>AA</b>	<b>Very high credit quality.</b> 'AA' ratings denote a very low expectation of credit risk. They indicate very strong capacity for timely payment of financial commitments. This capacity is not significantly vulnerable to foreseeable events.
<b>A</b>	<b>High credit quality.</b> 'A' ratings denote a low expectation of credit risk. The capacity for timely payment of financial commitments is considered strong. This capacity may, nevertheless, be more vulnerable to changes in circumstances or in economic conditions than is the case for higher ratings.
<b>BBB</b>	<b>Good credit quality.</b> 'BBB' ratings indicate that there is currently a low expectation of credit risk. The capacity for timely payment of financial commitments is considered adequate, but adverse changes in circumstances and in economic conditions are more likely to impair this capacity. This is the lowest investment-grade category

## Individual Ratings

Rating	
<b>A</b>	A very strong bank. Characteristics may include outstanding profitability and balance sheet integrity, franchise, management, operating environment or prospects.
<b>B</b>	A strong bank. There are no major concerns regarding the bank. Characteristics may include strong profitability and balance sheet integrity, franchise, management, operating environment or prospects
<b>C</b>	An adequate bank, which, however, possesses one or more troublesome aspects. There may be some concerns regarding its profitability and balance sheet integrity, franchise, management, operating environment or prospects.
<b>D</b>	A bank, which has weaknesses of internal and/or external origin. There are concerns regarding its profitability, substance and resilience, balance sheet integrity, franchise, management, operating environment or prospects. Banks in emerging markets are necessarily faced with a greater number of potential deficiencies of external origin.
<b>E</b>	A bank with very serious problems, which either requires or is likely to require external support.



## Appendix 2 – Investment Portfolio

Investments as at 01 April 2010		
Bank or Building Society	Amount	Interest
Bank of Scotland	20,000,000	0.75%
Abbey	15,000,000	0.80%
Clydesdale	8,100,000	0.75%
Nationwide	5,000,000	0.80%
Barclays	10,000,000	2.15%
Cater Allen	5,000,000	3.00%
Nationwide	5,000,000	0.79%
Nationwide	5,000,000	0.99%
Lloyds	5,000,000	1.82%
Cater Allen	5,000,000	2.20%
<b>Total Investments</b>	<b>83,100,000</b>	<b>1.23%</b>
Investments as at 30 September 2010		
Bank or Building Society	Amount	Interest
Bank of Scotland	20,100,000	0.75%
Abbey	5,000,000	0.80%
Clydesdale	24,536,000	0.75%
Nationwide	5,000,000	0.85%
Lancashire CC	5,000,000	0.32%
RBS	25,000,000	0.92%
Barclays	5,000,000	0.95%
Nationwide	10,000,000	1.02%
Cater Allen	5,000,000	2.20%
Nationwide	5,000,000	0.95%
Barclays	10,000,000	1.15%
Cater Allen	5,000,000	2.20%
Cater Allen	3,000,000	1.50%
Cater Allen	2,000,000	2.10%
Nationwide	5,000,000	1.35%
Barclays	10,000,000	1.40%
Cater Allen	5,000,000	2.50%
<b>Total Investments</b>	<b>149,636,000</b>	<b>1.08%</b>

## Appendix 3 - 2010-11 Prudential and Treasury Indicators

Prudential indicators	2008/09	2009/10	2010/11	2011/12	2012/13
	actual	outturn	estimate	estimate	estimate
	£'000	£'000	£'000	£'000	£'000
<b>Capital Expenditure</b>					
Non - HRA	160,218	161,570	160,784	159,353	157,979
HRA (applies only to housing authorities)	261,480	276,480	301,075	316,075	331,075
<b>TOTAL</b>	<b>421,698</b>	<b>438,050</b>	<b>461,859</b>	<b>475,428</b>	<b>489,054</b>
<b>Ratio of financing costs to net revenue stream</b>					
Non - HRA	1.38%	2.90%	2.96%	3.08%	3.27%
HRA (applies only to housing authorities)	16.10%	17.34%	18.82%	21.50%	24.29%
<b>Net borrowing requirement</b>					
brought forward 1 April	3,016	1,352	-	-	-
carried forward 31 March	-	-	-	-	-
in year borrowing requirement	39,737	15,000	24,595	15,000	15,000
	36,721	16,352	23,809	13,569	13,626
<b>In year Capital Financing Requirement</b>					
Non - HRA	160,218	161,570	160,784	159,353	157,979
HRA (applies only to housing authorities)	261,480	276,480	301,075	316,075	331,075
<b>TOTAL</b>	<b>421,698</b>	<b>438,050</b>	<b>461,859</b>	<b>475,428</b>	<b>489,054</b>
<b>Capital Financing Requirement as at 31 March</b>					
Non - HRA	160,218	161,570	160,784	159,353	157,979
HRA (applies only to housing authorities)	261,480	276,480	301,075	316,075	331,075
<b>TOTAL</b>	<b>421,698</b>	<b>438,050</b>	<b>461,859</b>	<b>475,428</b>	<b>489,054</b>
<b>Incremental impact of capital investment decisions</b>	£ p	£ p	£ p	£ p	£ p
Increase in Council Tax (band D) per annum *	19.57	8.46	5.77	2.87	8.09
Increase in average housing rent per week (housing authorities only)	0.00	0.00	0.00	0.00	0.00

\* or increase in precept for police, fire and other authorities

<b>TABLE 4: Treasury management indicators</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
	<b>actual</b>	<b>probable out-turn</b>	<b>estimate</b>	<b>estimate</b>	<b>estimate</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Authorised Limit for external debt -</b>					
borrowing	465,000	515,000	565,000	595,000	615,000
other long term liabilities	0	0	0	0	0
TOTAL	465,000	515,000	565,000	595,000	615,000
<b>Operational Boundary for external debt -</b>					
borrowing	445,000	495,000	545,000	575,000	595,000
other long term liabilities	0	0	0	0	0
TOTAL	445,000	495,000	545,000	575,000	595,000
<b>Actual external debt</b>	251,785	302,475	353,666	353,639	353,622
<b>Upper limit for fixed interest rate exposure</b>					
expressed as either:-					
Net principal re fixed rate borrowing / investments	100%	100%	100%	100%	100%
<b>Upper limit for variable rate exposure</b>					
expressed as either:-					
Net principal re variable rate borrowing / investments	20%	20%	20%	20%	20%
<b>Upper limit for total principal sums invested for over 364 days</b> (per maturity date)	0	0	0	0	0

<b>TABLE 5: Maturity structure of new fixed rate borrowing during 2010/11</b>	<b>upper limit</b>	<b>lower limit</b>
under 12 months	10%	0%
12 months and within 24 months	25%	0%
24 months and within 5 years	25%	0%
5 years and within 10 years	90%	0%
10 years and above	100%	0%

This page is intentionally left blank

## LONDON BOROUGH OF TOWER HAMLETS

### COUNCIL MEETING

WEDNESDAY 8<sup>th</sup> DECEMBER 2010

#### STRATEGIC DEVELOPMENT COMMITTEE: APPOINTMENT OF MEMBER

#### REPORT OF THE SERVICE HEAD, DEMOCRATIC SERVICES

#### 1. SUMMARY

- 1.1 Council on 27<sup>th</sup> October 2010 undertook a review of proportionality and allocation of places on committees following the change in political composition of the Council that occurred on 4<sup>th</sup> October.
- 1.2 Each political group may notify the Assistant Chief Executive (Legal Services) of their nominations within the committee places allocated to the group.
- 1.3 In relation to the committee seats allocated to 'ungrouped' Councillors, Council authorised the Assistant Chief Executive (Legal Services) to invite expressions of interest from those Councillors and to make appointments following consultation with the Chair of Council.
- 1.4 In respect of most committees, it was possible to accommodate all of the expressions of interest received within the places available and the Assistant Chief Executive (Legal Services) has therefore agreed the appointments in accordance with the above procedure. However, in respect of the Strategic Development Committee there are more 'ungrouped' Councillors wishing to serve on the Committee than there are places available and the Council is therefore asked to determine the appointment.
- 1.5 The Members who have so far expressed an interest in being appointed to the committee are listed at paragraph 3.5 overleaf. Any further expressions of interest received before the meeting will be reported verbally.

#### 2. RECOMMENDATION

- 2.1 That the Council appoint one 'ungrouped' Councillor to serve as a member of the Strategic Development Committee for the remainder of the Municipal Year 2010/11 or until a successor is appointed, if sooner.

### **3. STRATEGIC DEVELOPMENT COMMITTEE**

3.1 The Strategic Development Committee has been established by the Council to consider any matter within the terms of reference of the Development Committee that also meets one of a number of specified criteria relating to the size or significance of the development; or which is referred to the committee by the Development Committee or the Corporate Director; or where three or more members of the Development Committee are disqualified from considering the matter.

3.2 The membership of the Strategic Development Committee is seven Councillors and following the review of proportionality on 27th October, the Council has determined that these shall be allocated as follows:-

- Five places to the Labour Group;
- One place to the Conservative Group; and
- The remaining one place available for an 'ungrouped' Councillor.

3.3 Within this allocation the Council has flexibility to appoint any member from the relevant 'group' to serve on the committee. The previous requirement for the membership of the Strategic Development Committee to include in its membership two Cabinet Members and three members of the Development Committee has not been included in the Constitution since March 2007 and therefore no longer applies.

3.4 The current membership of the Strategic Development Committee is as follows:-

Labour Group nominees (5): Councillor Carli Harper-Penman (Chair), Councillors Kabir Ahmed, Shahed Ali, David Edgar and Bill Turner

Conservative Group nominee (1): Councillor Dr. Emma Jones (Deputies – Councillors Tim Archer, Peter Golds and Gloria Thienel)

'Ungrouped' Councillor (1): one vacancy

3.5 In relation to the 'ungrouped' place, two Councillors have so far expressed an interest in serving on the committee as listed below:-

- Councillor Stephanie Eaton
- Councillor Aminur Khan

Any further expressions of interest received before the Council meeting will be reported verbally. The Council is asked to appoint a member to serve on the Strategic Development Committee from amongst those Councillors who have expressed an interest.

**4. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 4.1 The Council is required to allocate committee places in accordance with the provisions of the Local Government and Housing Act 1989 and associated regulations.

**5. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 5.1 There are no direct financial considerations arising from this report.

---

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)**

**LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

**Brief description of background papers:**

**Name and telephone number of holder and address where open to inspection**

- None

This page is intentionally left blank



**LONDON BOROUGH OF TOWER HAMLETS**

**COUNCIL MEETING**

**WEDNESDAY 8<sup>TH</sup> DECEMBER 2010**

**MOTIONS SUBMITTED BY  
MEMBERS OF THE COUNCIL**

**REPORT OF THE SERVICE HEAD,  
DEMOCRATIC SERVICES**

## **SUMMARY**

1. Four motions have been submitted by Members of the Council under Council Procedure Rule 13 for debate at the Council meeting on Wednesday 8<sup>th</sup> December 2010.
2. In accordance with the protocol agreed by the Council on 21<sup>st</sup> May 2008, the order in which the motions are listed is by turns, one from each group, continuing in rotation until all motions submitted are included. The rotation starts with any group(s) not reached at the previous meeting.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

## **MOTIONS**

Set out overleaf are the motions that have been submitted.

## 12.1 Bancroft Local History Library & Archive

**Proposed:** Councillor Denise Jones

**Seconded:** Councillor Bill Turner

Notice of motion also signed by: Councillors Helal Abbas, Kabir Ahmed, Khaled Uddin Ahmed, Rajib Ahmed, Mizan Chaudhury, David Edgar, Judith Gardiner, Carli Harper-Penman, Ann Jackson, Anwar Khan, Anna Lynch, Mohammed Mukit, Joshua Peck, Zenith Rahman, Rachael Saunders, Helal Uddin, Kosru Uddin and Motin Uz-Zaman.

Note: This motion includes a proposal to rescind a resolution of the Council meeting held on 27<sup>th</sup> October 2010. In accordance with Council Procedure Rule 16.1, the notice of the following motion has been signed by 20 councillors as above.

This Council believes that:

- East London has a rich heritage that should be safeguarded and celebrated.
- Bancroft Local History Library & Archive has an important and unique collection of historical archives of East London that is well used and should be developed and preserved for posterity.
- Bancroft Local History Library & Archive is in need of refurbishment and investment.

This Council notes that:

- At the Full Council on 27<sup>th</sup> October 2010 a motion was tabled on Bancroft Local History Library and Archive proposed by Councillor Ohid Ahmed, seconded by Councillor Rabina Khan. One of the resolutions was to: *“support the Mayor in his proposal that all £500,000 of the section 106 from the Peugeot site development should be earmarked to the Bancroft Local History Library and Archive”*
- The facts are incorrect. Officers had already agreed at a PCOP meeting on the 23<sup>rd</sup> September 2010 to allocate £500k S106 money from the Peugeot Garage site on Mile End Road to Bancroft Local History Library. Whilst the support of the Mayor to allocate this money to Bancroft is reassuring, the decision was taken under the previous administration.
- More significantly, a pre application bid for up to £2 million capital funding was submitted to the Heritage Lottery Fund which was supported by Councillor Denise Jones as the former Lead Member for Culture whilst officers are continuing discussions with the HLF regarding the national importance of the Bancroft Road History Library and Archives.

This Council further notes that:

- The motion also contained a statement that *'The former Lead Member for Culture should not have requested the withdrawal of £350,000 funding from Bancroft in favour of the Rich Mix Centre'*
- Cllr Edgar tabled an amendment to the motion, proposing to delete this reference and clarifying that any implication that the former Lead Member had made such a request was untrue. Cllr Ohid Ahmed refused to accept this amendment and voted against it. The substantive motion was then passed still containing this untrue implication.
- Councillor Denise Jones, the former Lead Member for Culture refuted the implied allegation that she made such a request. She made this point at the meeting under Council Procedure Rule 15.14 *'personal explanation'* but ruled herself out of the discussion because she is a trustee of Rich Mix.
- Following the meeting, at the request of Councillor Denise Jones, the Chief Executive of the Council investigated the implied allegation and found *"that there was no evidence that Councillor Jones requested the withdrawal of £350,000 funding from Bancroft in favour of the Rich Mix Centre."* This finding was circulated to all Councillors.

This Council believes:

- That any allegation that the former Lead Member for Culture requested the withdrawal of £350,000 funding from Bancroft in favour of the Rich Mix Centre is untrue and should be withdrawn by Councillor Ohid Ahmed.
- That Councillors Ohid Ahmed and Rabina Khan should apologise to Councillor Denise Jones for making a defamatory statement in public and for the damage they have done to her reputation.
- That the fact that the implied allegation was untrue should be formally recorded in the minutes of the Full Council of 8<sup>th</sup> December 2010.

This Council resolves:

- To continue to support the development and refurbishment of the Local History Library and Archives with the allocation of £500k of S106 money from the Peugeot site in Mile End Road, from the Heritage Lottery Fund and from any further funding opportunities.
- To rescind the motion as presented on 27<sup>th</sup> October 2010 to Full Council on the grounds that it contained false information.

## **12.2 Public questions, petitions and deputations at Council**

**Proposed:** Councillor Tim Archer

**Seconded:** Councillor David Snowdon

This Council believes in localism and transparent democracy and therefore amends the constitution to permit members of the public to ask questions at successive meetings, subject to being placed behind new questioners in the event of a member of the public asking a question at either of the previous two meetings.

In addition the Council restores the provision for petitions and deputations as existing prior to the last meeting and thereby allowing members of the public and community groups to bring their concerns directly to the Mayor and his administration.

## **12.3 Victoria Park events**

**Proposed:** Councillor Joshua Peck

**Seconded:** Councillor Carli Harper-Penman

This Council notes:

- That Victoria Park has long been used to host big events, including the annual fireworks display, Paradise Gardens and commercial concerts and that many of these are popular with residents who live around the park and those from further afield;
- That the frequency of events has increased in the last two years and with it the noise, crowds, disruption, rubbish, damage and the amount of time large parts of the park are out of use;
- That as a result, local opposition to events has grown significantly.

This Council believes:

- That events in Victoria Park are both an opportunity for our community to come together and bring new users to the park and should be supported;
- That commercial events in the park are an important revenue stream for the future upkeep of the park after the Lottery-funded restoration;
- That this must be balanced with the needs of local residents

This Council resolves:

- To ask officers to bring forward a policy that:
  - Limits the number of large commercial music events in the park to six each year;

- Prevents the park being used on consecutive weekends throughout the summer, with at least two weekends free after a weekend of events;
- Brings forward the closing time for events to 10pm;
- Increases the level of security, stewarding and traffic management in the streets surrounding the events;
- Reduces the noise levels permitted at events; and
- Includes a separate policy that addresses the particular needs of the 2012 Live Site during Olympic year, recognising that this is a one-off occasion but also recognising the needs of local residents.

## **12.4 NHS**

**Proposed: Councillor Rachael Saunders**

**Seconded: Councillor Helal Abbas**

This Council notes:

1. That in 2006 David Cameron promised “no more pointless and disruptive reorganisations” of the NHS;
2. That Tower Hamlets PCT recently came top of the World Class Commissioning League Table;
3. That the Conservative-Liberal Democrat government recently published a White Paper, “Liberating the NHS”, which proposed the abolition of PCTs and opened the door to private companies offering commission support to GPs. Under these proposals consortia of GPs will control 80% of the total NHS budget;
4. That GPs in Tower Hamlets have stated their support for the good work that the PCT does, and have decided that under the plans in the White Paper they wish to operate a GP consortium on a borough level and to do all they can to preserve the talent and expertise currently in the PCT.

This Council believes:

1. That the proposed NHS reorganisation is unnecessary, costly and not in the interests of the people of Tower Hamlets;
2. That the position that Tower Hamlets GPs have taken is welcome;
3. That any change in NHS organisation in Tower Hamlets must result in more public accountability, not less.

This Council resolves:

1. To oppose Conservative-Liberal Democrat plans to break up the NHS;
2. To use our position as local representatives to work with the groups of GPs, who organise together on geographical boundaries that reflect LAPs, to increase local democratic accountability and engagement;
3. To scrutinise the East London and City Alliance NHS and Tower Hamlets PCT in their responses to the White Paper, and to campaign for increased democratic accountability in any structural changes that are made.