

LICENSING COMMITTEE

Thursday, 16 October 2014 at 6.30 p.m.

Committee Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

<u>Members:</u>	Ward Represented
Chair: Councillor Amy Whitelock Gibbs	Bethnal Green;
Vice-Chair: Councillor Peter Golds	Island Gardens;
Councillor Khaless Uddin Ahmed	Bromley North;
Councillor Rajib Ahmed	Lansbury;
Councillor Suluk Ahmed	Spitalfields & Banglatown;
Councillor Mahub Alam	St Dunstan's;
Councillor Shah Alam	Mile End;
Councillor Amina Ali	Bow East;
Councillor Rachel Blake	Bow East;
Councillor Gulam Kibria Choudhury	Poplar;
Councillor Andrew Cregan	Island Gardens;
Councillor Harun Miah	Shadwell;
Councillor Mohammed Mufti Miah	Bromley North;
Councillor Muhammad Ansar Mustaqim	St Peter's;
Councillor Candida Ronald	Blackwall & Cubitt Town;

[The quorum for this body is 3 Members]

Contact for further enquiries:

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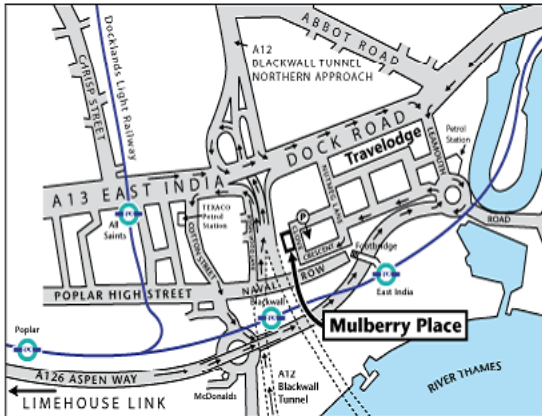
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		
	5 - 8	
To confirm the minutes of the meeting of the Licensing Committee held on 15 th July 2014 as an accurate record of the proceedings.		
3. ITEMS FOR CONSIDERATION		
3 .1 Fees Review - London Local Authorities Act 1991 and the Performing Animals (Regulation) Act 1925	9 - 18	All Wards
3 .2 Cumulative Impact Zone Report	19 - 116	Spitalfields & Banglatown; Weavers
4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

Next Meeting of the Licensing Committee

Tuesday, 9 December 2014 at 7.00 p.m. to be held in The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.20 P.M. ON TUESDAY, 15 JULY 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Khaled Uddin Ahmed
Councillor Suluk Ahmed
Councillor Mahbub Alam
Councillor Amina Ali
Councillor Rachel Blake
Councillor Gulam Kibria Choudhury
Councillor Andrew Cregan
Councillor Peter Golds (Vice-Chair)
Councillor Clare Harrison
Councillor Mohammed Mufti Miah
Councillor Muhammad Ansar Mustaqim

Officers Present:

Kathy Driver	– (Principal Licensing Officer)
Paul Greeno	– (Senior Advocate, Legal Services)
Cam Lieng	– (Licensing Officer)
David Tolley	– (Head of Consumer and Business Regulations Service, Safer Communities, Communities Localities & Culture)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Apologies

Councillor Rajib Ahmed
Councillor Shah Alam
Councillor Helal Uddin

The Chair welcomed Members to the first meeting of the Licensing Committee for the Municipal Year 2014/15.

1. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2014/15

The Chair sought nominations for election of Vice-Chair.

RESOLVED

That Councillor Peter Golds be elected Vice-Chair of the Licensing Committee for the Municipal Year 2014/2015.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests.

3. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the Licensing Committee meeting held on 11th March 2014 were confirmed and agreed as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Committee, Terms of Reference, Membership, and Quorum

The Committee received a brief report which detailed the Licensing Committee's terms of reference, quorum, membership and schedule of dates for the Municipal Year 2014/15 as agreed by Full Council at its meeting held on 11th June 2014.

RESOLVED

1. That the Licensing Committee Terms of Reference, Membership and Quorum as set out in Appendices 1 & 2 be noted.

4.2 Establishment of Licensing Sub Committees, Terms of Reference & Schedule of Dates

The Committee received a report which detailed the need to establish Licensing Sub Committees, appoint Sub Committee Chairs and membership to the Sub Committees.

The Chair asked for nominations and volunteers to be Chairs of the Licensing Sub Committees, a short discussion followed and it was;

RESOLVED

- 1) That the Licensing Sub Committees be established.
- 2) That eight Licensing Sub Committee Chairs be appointed.
- 3) That Councillors Khales Ahmed, Rajib Ahmed, Rachel Blake, Clare Harrison, Andrew Cregan, Amina Ali, the Vice-Chair Peter Golds and the Chair, Councillor Amy Whitelock-Gibbs be appointed as Chairs of the Licensing Sub Committees.
- 4) That all Members of the Licensing Committee serve on the Sub Committees (a Sub Committee consisting of a named Chair and any two other members).
- 5) That the Licensing Sub Committee Terms of Reference attached as Appendix 1, the Schedule of Dates attached as Appendix 2 and the Rules of Procedure attached as Appendix 3 be noted.

4.3 Current Licensing Programs

Mr David Tolley, Head of Consumer and Business Regulations introduced the report which detailed the current work programs that were planned for the Municipal Year 2014/15. The report also detailed the effective dates relating to the Sexual Entertainment Venues (SEV) Licensing agreed by Full Council on 26th March 2014. It was also noted that Members would receive separate training in relation to SEVs prior to any application being considered.

Mr Tolley then highlighted the current proactive work programs;

- a) Reducing the high strength alcohol offering across the Borough.
- b) Responsible Retailer Scheme
- c) Pub Watch
- d) Best Bar None scheme
- e) Tasking Meeting
- f) Licensing Enforcement Forum.
- g) Community Alcohol Partnership
- h) Late Night Inspections

Members then heard from Ms Cam Lieng, Licensing Officer who detailed the work program on the Community Alcohol Partnership she explained that it was a partnership project to tackle underage drinking and associated anti-social behaviour within Bethnal Green and St Peter's Wards.

In response to questions it was noted that this program would be rolled out to other wards in the Borough and the results from this program would be available in six months.

Members welcomed the report and agreed that a further report is brought back to the Committee detailing results and the success of the project.

RESOLVED

1. That the current work programs of the service be noted.
2. That the effective dates for the Sexual Entertainment Venue Licensing be noted.
3. That a report on the success and results of the Community Alcohol Partnership be brought back to a future Licensing Committee meeting.

4.4 Update in Relation to Prosecutions and Appeals - 2013/2014

Mr Paul Greeno, Senior Advocate briefly introduced the report which detailed licensing related prosecutions and appeals for 2013/2014.

Members welcomed the report, noted the results of the prosecutions and appeals detailed in the report and thanked Mr Greeno for the information provided.

Members agreed that the Committee receive a quarterly report on prosecutions and appeals at Licensing Committee meetings.

RESOLVED

That the report be noted.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Members raised concerns about the Saturation Policy and its effect on restaurants and businesses. It was noted that the policy came into effect on 1st November 2013 and was subject to a review process.

Following a short discussion it was agreed that a detailed discussion was required on this topic. The Chair asked officers to present a report/presentation at the next meeting on the Saturation Policy, for Members to get a better understanding of the policy, its remits, and how things were currently working and the challenges faced with the policy.

The meeting ended at 7.25 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Committee

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee	14th October 2014	Unclassified	LC 05/145	

Report of	Title
Consumer and Business Regulations	Fees Review: London Local Authorities Act 1991 and the Performing Animals (Regulation) Act 1925
Originating Officer:	
David Tolley – Head of Consumer and Business Regulations	Wards affected: All

1 SUMMARY

- 1.1 This report advises the Members of a review that has taken place with regards to licence fees that can be set locally. The fees under consideration are those for Massage and Special Treatments and Performing Animals Registration.

2. RECOMMENDATIONS

The Licensing Committee is recommended to:-

- 2.1 Agree that the fee for Massage and Special Treatment licences, including Intense Pulse Light laser treatment, be increased by RPI 2.5% raising Massage and Special Treatment Licences from £311 to £319 and Intense Pulse Light laser treatment licences from £500 to £513.
- 2.2 Agree that where a business operates a selection of beauty treatments and Intense Pulse Light laser treatment, that only the higher fee is payable.
- 2.3 Agree that the fee for Performing Animals registration is raised from £188 to £360, based on the calculations in Appendix One.
- 2.4 Agree that a fee for a Variation of a Performing Animals registration be set at £269 based on the calculations in Appendix One.
- 2.5 Agree that all fees are non- refundable once an application has been submitted, due to the commencement of processing the licence.

2.6 Resolve that these fees will commence on 1 November 2014 and will apply to all new and renewed licences applications and all performing animal registrations and variation applications received on or after that date.

3. BACKGROUND

3.1 When considering licence fees, Members must have regard to the requirement that charges must be proportionate and reasonable in the circumstances to the fees or costs payable under the provisions of the scheme. In essence, the fees must not exceed the costs of the procedures and formalities (effectively the costs to administer the process). The costs of paying for enforcement of the unlicensed operators should not be a consideration when setting fees.

3.2 The Licensing Committee terms of reference enables the Committee to determine the licence fees for the licences specified above.

London Local Authorities Act 1991 – Massage and Special Treatment Licences and Pulse Light Laser Treatments

3.3 The London Local Authorities Act 1991 required all business that offers any of the following treatments to be licensed by the Local Authority:

- Massage
- Manicure
- Acupuncture
- Tattooing
- Cosmetic Piercing
- Chiropody
- Light Treatment
- Electric Treatment
- Other Treatment of a Like Kind
- Vapour
- Sauna or Other Baths (Including Infra-red Sauna cabin)

3.4 However, exemptions do apply if any of the following situations are applicable and if the operators of the massage or special treatment are:

- Supervised by registered medical practitioners
- Bona fide members of a body of health practitioners
- Appropriately registered dentist practising acupuncture
- Hospital registered Nursing Homes.

3.5 The Local Authority is able to set a local fee to enable cost recovery from the process of issuing such licences. Currently there are 108 licence holders in the Borough.

- 3.6 The RPI of 2.5% has been added to the licence fee as agreed by the Licensing Committee last year. When adding the increase of RPI, the Massage and Special Treatment licence fee increases from £311 to £319 and the Intense Pulse Light licence increases from £500 to £513.

Performing Animals (Regulation) Act 1925

- 3.7 The registration for the performance of animals is controlled under the Performing Animals (Regulation) Act 1925 and anyone who wishes to use animals to perform must first register with the local authority. Applications must contain details about the animals and the performances they are to take part in. Applications are subject to a fee.
- 3.8 Registration under The Performing Animals (Regulation) Act 1925 is not renewable and the registered person can keep that registration for life, unless their registration is suspended or cancelled by a court of law. Once a registration is issued, it is unlikely that the authority will have much interaction with applicants unless there are some reportable changes to the registration. Lack of involvement in this way could result in the Council having out of date information on the validity of existing registrations.
- 3.9 When considering a registration the following matters are taken into account.
- transport of animals to and from the event
 - access to suitable accommodation at all times, with regard to the size, temperature, lighting, ventilation, and cleanliness;
 - animals will be suitably fed, watered, rested and visited at suitable intervals;
 - reasonable precautions to prevent the spread among animals of infectious and zoonotic diseases;
 - appropriate steps will be taken to protect the animals in the event of a fire or other emergency;
 - anyone in contact with the animals should be made aware of any risks associated with such contact;
 - all the necessary risk assessments should have been conducted on the proposed performances to be engaged in by the animals.
- 3.10 An Environmental Health Officer from the Council will visit the premises to be used to ensure that the above conditions are met. The Council must also maintain a public register.
- 3.11 The registered person may make an application to have the details entered in the register varied, and where there is such a variation to the details, then the existing registration must be cancelled and a new one issued. The Council may

charge a fee as appears to be appropriate for processing an application made under the legislation.

- 3.12 The Council currently charges £188.00 for the processing of an application for a Performing Animals Registration. The Council has not made provision to charge for an application for a variation of the registration details.
- 3.13 In the past there has not been a demand for this service, and in the last 6 years there have been three Performing Animals Registration Certificates issued in the borough, although in the last two years there has been an increase in enquires about Performing Animals Registrations. The most recent registration issued was in February 2014 in respect Lady Dinah's Cat Emporium in Bethnal Green.
- 3.14 The calculation shown in Appendix One has determined the cost of processing a new registration to be £360 and for a variation of registration to be £269.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 This report seeks the review and approval of the recommended increases in the following licences:
- Massage and Special Treatment Fees increased to £319
 - New Application and Renewal for Intense Pulse Light laser treatment increased to £513
 - Performing Animals registration £360 and the fee for a variation to the registration to be set at £269

The proposed fee increases are set at values that will enable the council to recover the administrative and enforcement costs associated with issue of the relevant licence and therefore will contribute to the service being cost neutral.

5 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 This report is seeking to have the Licensing Committee set fees for certain types of licence applications.
- 5.2 Special treatments licences are granted in accordance with Part II of the London Local Authorities Act 1991. Such licences authorise the activities listed in paragraph 3.3 of the report. Section 7(6) of that Act provides that an applicant for the grant, renewal or transfer of a license shall pay such a reasonable fee as determined by the Council.
- 5.3 Pursuant to its terms of reference, a function of the Licensing Committee is “To determine fees and charges for the issue, approval, consent, license, permit or other registration for functions for which the Committee has responsibility”. The Committee has responsibility for licensing of establishments that provide special treatments and also the licensing of performing animals as set out in paragraph 3.7 above.
- 5.4 Before taking the decision to increase fees, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 No adverse impacts have been identified

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no adverse impacts identified

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The Council will be at risk of legal challenge if its decision making process on determining fees is not transparent and evidentially based.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. This report supports and assists with crime and

disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

10. EFFICIENCY STATEMENT

10.1 There are no efficiency elements to this report.

11. APPENDICES

Appendix 1 Calculation for a Performing Animals Registration and Variation Certificate
Appendix 2 Performing Animals Registration and Variation Certificate Background Information

**LOCAL GOVERNMENT ACT, 1972 Section 100D (as amended)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

None

Appendix One

Performing Animals Registration and Variation/Issuing new Certificate of Registration

In the last 6 years there have been 3 Performing Animals Registration Certificates issued in the borough, the most recent of these being in February 2014 in respect of a cat café in Bethnal Green.

There is a one off charge for a Performing Animals Registration. In 2014 there was one application processed.

Total cost of Registration £360

Total cost of Variation £ 269

Process – New Application	Officer	Administration Officer
1. Receipt of application, dealing with the fee		1 hour
2. Application Review	2 hour	
3. Consultation	1 hour	
4. Inspection	3.5.hours	
5. Officer Administration	2 hours	
6. Re-inspection	2 hours	
7. Issue	1 hour	
8. Inform consultees	1hour	
9. Administration of licence maintaining public register		1 hour 30 minutes
Total	12 hours 30 minutes	2 hours 30 minutes
Process - Variation	Officer	Administration Officer
Same as 1-9 above except that there is unlikely to be a 2 hour Re-inspection only.		
Total	9 hours	2 hours 30 minutes

Officer cost £25.75 per hour

Admin officer cost £15.13 per hour

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Appendix Two

Performing Animals Licensing Fees in four neighbouring local authorities

The current situation

Licence type	LB Tower Hamlets	LB Newham	LB Hackney	LB Barking and Dagenham	LB Redbridge
Performing Animals <ul style="list-style-type: none">• Registration• Certification• Variation	188.00	350.00 _____ 260.00	Determined on application	222.00 _____ _____	198.00 + Vets bill 198.00 + Vets bill

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Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee	14th October 2014	Unclassified	LC 06/145	

Report of Consumer and Business Regulations Originating Officer: David Tolley – Head of Consumer and Business Regulations	Title Licensing Act 2003 – Cumulative Impact Zone Wards affected: Weavers, Spitalfields and Banglatown
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1 SUMMARY

- 1.1 At the Licensing Committee on the 15th July 2014, it was requested that an update was provided on the licences issued within the Cumulative Impact Zone (CIZ) to enable Members to consider the impact of the CIZ.
- 1.2 In order to inform the discussions, the Responsible Authorities have been contacted to provide written submissions on the CIZ.

2. RECOMMENDATIONS

- 2.1 That the Licensing Committee note, consider and comment on the evidential base and information that the Responsible Authorities have provided with regards to the CIZ.

3. BACKGROUND

- 3.1 Under the Licensing Act 2003, the Council is required to determine its policy with respect to exercising its licensing functions and as part of that policy, the Council may have a special policy whereby it can designate an area within the Borough as a Cumulative Impact Zone (CIZ), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives i.e. crime and disorder, noise/nuisance, public safety and harm to children.
- 3.2 On 1 November 2013, the CIZ for the Brick Lane area came into effect after adoption of the Statement of Licensing Policy at Full Council. The Statement of Licensing Policy is at Appendix One, the CIZ Policy is at page 13 and the geographical area of the zone is at page 15 of the Policy.

- 3.3 The licenses that are potentially affected within the CIZ, with a presumptive rebuttal, are new applications and variations for alcohol on sales (pubs and restaurants) and off sales of alcohol (off licences) and late night refreshment licences i.e. the sale of hot food or drink after 11.00pm (takeaways).
- 3.4 The CIZ was sponsored by the Metropolitan Police through the Community Safety Partnership and the justification for the CIZ was summarised in consultation documents to residents and businesses:
- a. There are already over 207 Licensed Premises within this small area.
 - b. The continuing high levels of violent / alcohol related in the Brick Lane Area (2011 Violent Crime 30% of all Alcohol Related Crime)
 - c. It is responsible for 8% of all crime within Tower Hamlets.
 - d. It is responsible for the highest level of complaints about street drinking.
 - e. 22% of all police calls to licensed premises are in the Brick Lane Area.
 - f. There are clear demonstrable links between violence against the person offences and alcohol related violence in the Brick Lane Area.
 - g. LBTH has the second highest level of ASB in London.
 - h. The highest rates of ASB in the Borough are in the Brick Lane Area.
 - i. ASB is now decreasing in the Borough and the Brick Lane Area but it still is at levels that continues to give rise to complaints from local residents.
 - j. LBTH has significantly worse alcohol related harm indicators compared with regional and national averages.
 - k. There is a steady increase in ambulance call outs in the Brick Lane Area.
 - l. The Brick Lane Area has a vibrant and expanding night time economy which has led to a sizeable and steady increase in visitors to the area.
 - m. Considerable tensions have been built up because of the conflicting demands of the night time economy and the local residents.
- 3.5 The consultation took place between 21st December 2012 and 22nd March 2013 with licence holders, residents groups, responsible authorities and interested networks/forums responding. A public event was held in Toynbee Hall and the Council's Licensing Committee was consulted.
- 3.6 The following results were obtained from the consultation:
- a) 165 responses were received
 - b) 69.9% were in favour of a CIZ in respect of on sales
 - c) 80% were in favour of a CIZ in respect of off sales
 - d) 69.2% were in favour of a CIZ in respect of the sale of hot food or drink after 11pm
 - e) Letters of support were received from the Chief Officer of Tower Hamlets Clinical Commissioning Group, Public Health Director from Barts Health NHS Trust and the Interim Director of Public Health.
 - f) A 220 signed petition was received from SPIRE, a local residents group in favour of the Council adopting a CIZ for the Brick Lane area.

- g) Cllrs Pierce and Mukit provided a joint response supporting the CIZ but wanted to see the area to include the Boundary Estate – Boundary Street, Virginia Road, Swanfield Street, Brick Lane and Shackwell Street.
- h) The Licensing Committee when consulted expressed concerns that the CIZ may be too large by extending into the city fringe.

3.7 A summary of the decisions made by the Licensing Committee with regards to applications or variations within the CIZ is detailed in Appendix Two and Three.

3.8 The table below summarises the current position as of 12 September 2014.

Type of Licence	Granted	Granted with Conditions	Refused	In consultation	Application withdrawn
New Premises Licence	2 (1x restaurant, 1 bicycle retailer))	10 (1x fast food, 1xprivate members club, 6x restaurants, 1x cinema, 1 x retailer)	2 (1 x off licence, 1x restaurant)	9 (1x pub, 5 restaurants, 1 off licence, 1x bar)	2 (2x bars)
Variation of premises Licence	1 (restaurant)	2 (restaurants)	3 (1x off licence, 2 x restaurant)	1 (restaurant)	0
Time Limited Premises Licence	1 (event)	0	0	1 (event)	1 (event)
Totals	4	12	5	11	3

3.9 The Responsible Authorities have been asked to provide commentary on current impact on the CIZ. There responses are contained in the following appendices:

Appendix Four – Environmental Protection

Appendix Five – Licensing Authority

Appendix Six – Planning

Appendix Seven – Metropolitan Police

Appendix Eight – Public Health

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no specific financial implications emanating from this report which provides an update for members on the impact of the Cumulative Impact Zone.

5 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 The Council is a licensing authority under the Licensing Act 2003. Section 5(1) of the Licensing Act requires the Council to determine and publish its policy with respect to the exercise of its licensing functions. Once the licensing policy is in place, the Council is required to have regard to that policy in the exercise of its licensing functions.
- 5.2 The 2003 Act imposes a general duty on licensing authorities to exercise their licensing functions with a view to promoting the licensing objectives; those objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 5.3 Cumulative Impact Zones are not provided for expressly in the 2003 Act. However guidance issued by the DCLG under Section 182 of the Act allows Councils to adopt area specific policies to address the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in that area.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 No adverse impacts have been identified

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no adverse impacts identified.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Responsible Authorities support and assist with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

10. EFFICIENCY STATEMENT

10.1 There are no efficiency elements to this report.

11. APPENDICES

Appendix One: Statement of Licensing Policy
Appendix Two: Weaver's Ward Summary
Appendix Three: Spitalfields and Banglatown Ward Summary
Appendix Four: Environmental Protection
Appendix Five: Licensing Authority
Appendix Six: Planning
Appendix Seven: Metropolitan Police
Appendix Eight: Public Health

**LOCAL GOVERNMENT ACT, 1972 Section 100D (as amended)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

None

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Licensing Policy under the Licensing Act 2003

Contents

Contents	Page 1
Background and Context	Page 2
Section 1 Introduction.....	Page 3
Section 2 The Policy	Page 3
Section 3 Consultation	Page 3
Section 4 Main Principles of the Licensing Policy	Pages 4
Section 5 The Licensing Authority as a Responsible Authority	Pages 7
Section 6 Crime and Disorder	Pages 8
Section 7 Cumulative Effect.....	Pages 12
Section 8 Special Cumulative Impact Policy for Brick Lane	Pages 13
Section 9 Public Safety	Page 15
Section 10 Prevention of Nuisance	Page 16
Section 11 Prevention of Harm to Children	Pages 16
Section 12 Access to Cinemas	Pages 18
Section 13 Children and Public Entertainment	Pages 18
Section 14 Health Considerations of Licensing	Page 19
Section 15 Licensing Hours.....	Pages 20
Section 16 Shops, Stores and Supermarkets	Page 22
Section 17 Integrating Strategies and Avoiding Duplication	Pages 23
Section 18 Striptease	Pages 26
Section 19 Enforcement	Pages 28
Section 20 Live Music, Dancing and Theatre	Pages 29
Section 21 Risk Assessments	Pages 30
Section 22 Temporary Event Notices Process	Pages 31
Section 23 Review Process	Pages 32
Section 24 Responsibilities of Licence Holders	Page 34
Section 25 No Traveller Signs	Page 34
Section 26 Promotion of Racial Equality.....	Page 34
Section 27 Duplication	Page 35
Section 28 Administration, Exercise and	Pages 35
Delegation of Functions	
Table of Delegations of Licensing Functions ...	Pages 35
Appendix 1 List of Responsible Authorities	Pages 38
Appendix 2 Mandatory Conditions	Pages 41
Appendix 3 List of Government Pool Conditions	Pages 43
Appendix 4 Licensing Contact Details	Page 73

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 or by telephoning 01603 723011

Government Guidance under Section 182 of the Licensing Act 2003: available on the website 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
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 Cohesive Community**
- A Healthy and Supportive 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

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 five years. The Licensing Authority will generally apply the policy when making decisions on applications made under the Act. However each individual application must still be treated on its own merits and must be given proper consideration.

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 2013.

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 Community Safety Partnership (or equivalent organisation) in policy development and review.

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

4 Main Principles of the Licensing Policy

4.1 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:-

4.2 *The prevention of crime and disorder*

Consideration, among other things, a prescribed capacity; door supervisors; an appropriate ratio of tables and chairs to customers; and a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

4.3 *Public safety*

Consideration of requiring specific types of training for a DPS or security staff, including awareness of first aid or initiatives to protect women and vulnerable customers; provision and storage of CCTV footage; and ensuring safe departure of those using the premises.

4.4 *The prevention of public nuisance*

Consideration of the prevention of irresponsible promotions, methods of preventing and managing noise and light pollution, and ways of managing litter.

4.5 *The protection of children from harm*

Consideration of age verification schemes, test purchasing policies, and restrictions on the hours when children may be present.

4.6 All of the Policy and its implementation must be consistent with those four objectives.

4.7 Nothing in the Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits and / or override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

4.8 Licensing is about 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.

- 4.9 In relation to all applications, however, if its discretion is engaged, the Licensing Authority will also consider the impact on the vicinity of the application.
- 4.10 The Police Reform and Social Responsibility Act introduced the provision for the licensing authority to make representations. The licensing authority will not make representations that should be made by another responsible authority. The licensing authority may wish to make representations on its own account when they could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by licensing officers or which undermines the licensing objectives.
- 4.11 The Directors of Public Health (DPH) is also now a responsible authority. It is expected that the DPH will be particularly useful in providing evidence of alcohol-related health harms (perhaps in relation to cumulative impact policies or early morning restriction orders). The DPH may also be useful in providing evidence such as alcohol-related Accident & Emergency admissions or ambulance service data that might be directly relevant to an application under the Act.
- 4.12 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.
- 4.13 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.
- 4.14 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.
- 4.15 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.

4.16 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

4.17 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.

4.18 The responsible authorities are given in **Appendix 1**.

4.19 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.

4.20 Following consultation the Licensing Authority has determined to itself contact all residents and businesses within 40 meters of the applicant's premises, where the application is for a new club or premises licence or its variation. The consultation will be strictly neutral, and will repeat the information required in the statutory notification.

- 4.21 For larger events and premises of a capacity of more than 1000 persons the Council will carry out a reasonable and relevant level of consultation with local residents and businesses. The scope of this consultation will be decided by the Trading Standards and Licensing Service Manager.
- 4.22 The statutory consultation period will not be extended providing the Council has been given a full application by the applicant. The voluntary consultation carried out by the Licensing Team, detailed in para 4.20 and 4.21 will be carried out at the determination of the Trading Standards and Licensing Manager. If the licensing authority in the unlikely event fails to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application.

5 **The Licensing Authority as a Responsible Authority**

- 5.1 The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.
- 5.2 The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.
- 5.3 The Council as a Licensing authority is not expected to act as responsible authorities on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 5.4 It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

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

6 Crime and Disorder

- 6.1 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.
- 6.2 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.

- 6.3 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.
- 6.4 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.
- 6.5 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.**)
- 6.6 **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.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 6.10 **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.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices.
- 6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

7 Cumulative Effect

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

- 7.7 However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 7.8 The Licensing Authority will review any special saturation policies every five years to see whether they have had the effect intended, and whether they are still required.
- 7.9 The Licensing Authority will not use such policies solely:-
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
 - to impose any form of quota
- 7.10 The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community.
- 7.11 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

8 Special Cumulative Impact Policy for the Brick Lane Area

- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

- 8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Map courtesy of Metropolitan Police

9 Public Safety

- 9.1 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.
- 9.2 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.
- 9.3 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.

- 9.4 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.
- 9.5 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.

10 Prevention of Nuisance

- 10.1 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.
- 10.2 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.
- 10.3 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.

11 Prevention of Harm to Children

- 11.1 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.
- 11.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 11.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 11.4 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.

11.5 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

11.6 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.

- 11.7 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.
- 11.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.
- 11.9 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.

12 Access to Cinemas

- 12.1 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.
- 12.2 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.
- 12.3 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.

13 Children and Public Entertainment

- 13.1 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.

13.2 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

13.3 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.

13.4 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.

14 Health Considerations of Licensing

14.1 Excess alcohol consumption can lead to a wide range of personal health related harms which are well documented in both the Alcohol Joint Strategic Needs Assessment factsheet and Tower Hamlets Substance Misuse Strategy. The short-term negative health effects of hazardous drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents, while regular alcohol consumption can lead to heart disease, stroke, liver disease, stomach damage and certain types of cancer . Although these are important personal health related harms they, by and large, fall outside the scope of the four licensing objectives as defined in the Licensing Act.

14.2 However the consequences of drinking go far beyond the individual drinker's health and well-being. They include harm to the unborn fetus, acts of drunken violence, vandalism, sexual assault and child abuse, and a huge health burden carried by both the NHS and friends and family who care for those damaged by alcohol. Many of these affects are relevant to the licensing regime.

14.3 The short-term negative health effects of harmful drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents .

15 Licensing Hours

- 15.1 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.
- 15.2 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.
- 15.3 The policies set out in this Part may, depending on the circumstances of the application, apply to applications for a provisional statement.
- 15.4 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.
- 15.5 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.
- 15.6 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.

15.7 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.

15.8 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.

- 15.9 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.

- 15.10 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.

- 15.11 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.

16 Shops, Stores and Supermarkets

- 16.1 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.
- 16.2 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.

17 Integrating Strategies and Avoiding Duplication

- 17.1 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
- 17.2 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.
- 17.3 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.
- 17.4 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.
- 17.5 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.

- 17.6 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.
- 17.7 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.
- 17.8 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.
- 17.9 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>.
- 17.10 The responsible authorities are committed to avoid duplication with other regulatory regimes and the control measures contained in any conditions which are provided for in other legislation. This Policy does not intend to duplicate existing legislation and regulatory regimes that are already places obligations on employers and operators.
- 17.11 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.
- 17.12 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.
- 17.13 Guidance has also been introduced in relation to:
- implementing the levy and the consultation process
 - the design of the levy
 - exemptions from the levy
 - reductions in levy charges
 - how revenue raised from the levy may be spent
 - the levy charges
 - the levy collection process
- 17.14 With regard to exemptions, the licensing authority will have discretion whether to exempt certain premises or not.

- 17.15 Licensing Authorities also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 17.16 Any revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance, at paragraph 1.40 suggests that licensing authorities may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.
- 17.17 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that licensing authorities can choose whether or not to exercise.
- 17.18 This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date.
- 17.19 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.
- 17.20 Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.
- 17.21 Guidance has been introduced in relation to:
- the EMRO process
 - the evidence base
 - introducing an EMRO
 - advertising an EMRO
 - dealing with representations
 - hearings
 - implementation
 - limitations
 - enforcement
- 17.22 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour.
- 17.23 The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

- 17.24 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 17.25 The decision to implement an EMRO should be evidence based and licensing authorities may wish to outline in the policy the grounds which they will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits. The Licensing Authority reserves the right to introduce an EMRO if it so desires and consultation and evidence from responsible authorities demonstrates the need.
- 17.26 The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.

18 Sexual Entertainment

The Licensing Policy does not deal with Sexual Entertainment Venues. These can be dealt with by a separate legislative regime if the Council adopts amendments to the Local Government (Miscellaneous Provision) Act 1982 schedule 3 which requires the development of a separate policy as required by that statute.

Until this is adopted the following will apply

- 18.1 The Licensing Authority will only seek to attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives.
- 18.2 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.
- 18.3 In addition standard conditions required by the Licensing Act 2003, its regulations or guidance will be attached as relevant.
- 18.4 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 centers; and
 - youth clubs.

- 18.5 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.
- 18.6 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.
- 18.7 All applications for adult entertainment involving nudity or semi-nudity will be scrutinised to ensure they meet the licensing objectives.
- 18.8 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.
- 18.9 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

19 Enforcement

- 19.1 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.
- 19.2 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.
- 19.3 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.
- 19.4 In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Councils website. In most cases a graduated form of response will be used to resolve issues of non-compliance although it is recognised that in serious cases a prosecution or a review application are appropriate means of disposal. The Council will use test purchases as a legitimate way to determine compliance to the license conditions. Failed test purchases will be disposed with by reference to the Council Enforcement Policy
- 19.5 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 19.6 Conditions should be:
clear
enforceable
evidenced
proportionate
be expressed in plain language capable of being understood by those expected to comply with them.
- 19.7 Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.
- 19.8 Licensing authority cannot impose blanket standard conditions. A pool of conditions is included in the appendix.

- 19.9 Conditions can only be carried forward from a premises licence or club premises certificate onto a TEN where relevant objections have been made by the police or Environmental Health.

20 **Live Music, Dancing and Theatre**

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act :
- 20.5 Removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence relating to premises authorised to supply alcohol for consumption on the premises.
- 20.6 Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence.
- 20.7 Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces (but not necessarily for workers) not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- 20.8 Removes the licensing requirement for the provision of entertainment facilities and widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

21 Risk Assessments

- 21.1 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.
- 21.2 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.
- 21.3 Forms 696 and 696A are available on the Metropolitan Police web completion and transmission of the forms is undertaken by licensees.
- 21.4 **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.
- 21.5 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.
- 21.6 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.

21.7 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.

21.8 Definition of a 'Significant Event'

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

21.9 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 artists; 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.

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

22 Temporary Event Notices Process

22.1 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.

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

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

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

22.5 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.

22.6 Late TENS are limited in number and can be prevented by a single objection from a responsible authority. The maximum time period of a TEN is 168 hours.

- 22.7 A Cumulative Impact policy is designed to reduce crime. Disorder and nuisance from a concentration of licensed premises. Due to the Cumulative Impact Policy it is possible that objections will be made by the police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the designated zone.
- 22.8 The Licensing Authority expects to be given 28 days' notice of temporary events, and for them to have been discussed with the Metropolitan Police before submission to the Council.

23 Review Process

23.1 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

23.2 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.

23.3 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.

23.4 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.

- 23.5 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.

- 23.6 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.
- 23.7 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.
- 23.8 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.
- 23.9 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, the revocation of the licence will be seriously considered. However, revocation also remains an option if other licensing objectives are being undermined.

23.10 Licence Suspensions

This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. The council must suspend premises licences and club premises certificates on the non-payment of annual fees.

23.11 The regulations state that the premises licence holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.

23.12 A single request for payment will be sent and the licensing Authority will then take measures to suspend the licence if payment is not received within 28 days.

23.13 Income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment or licence surrendered

24 Responsibility of Licence Holders and Designated Premises Supervisors

24.1 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.

25 “No Traveller” and similar signs

25.1 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.

25.2 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.

26 Promotion of Racial Equality

26.1 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.

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

27 Duplication

27.1 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.

28 Administration, Exercise and Delegation of Functions

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

28.2 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.

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

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

Decision on whether a complaint is irrelevant, frivolous, vexatious etc;			All cases
Decision to object when local authority is consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Decision on whether a minor variation application is valid, the need to go out to consultation and determination.			All cases
Determination of minor variation application			All cases
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees			All cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All cases
Power to impose existing conditions on a premises licence, club premises certificate and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003.			All cases
Power to make representations as responsible authority			All cases

28.4 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.

- 28.5 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.
- 28.6 The officers to exercise the discretion are officers who are responsible for the Licensing function, who are given the appropriate delegated authority.
- 28.7 Application forms, fees, and details regarding each type of application, including the minor variations process can be obtained from the Councils website or by contacting the Licensing Team on 0207 364 5008 or licensing@towerhamlets.gov.uk.
- 28.8 The Licensing Authority encourages informal discussion before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals.

Appendix 1:

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
Licensing Unit
Limehouse Police Station
27 West India Dock Road E14 8EZ Tel: 020 275 4911/ 4950

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

Fire Safety Regulation

NE 2 Area
London Fire Brigade
169 Union Street
London
SE1 0LL 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
Consumer and Business Regulations
Mulberry Place
PO Box 55739
5 Clove Crescent
London E14 1BY Tel: 020 7364 5008

OR

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

Tel: 020 7556 2100

OR

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

Tel: 0168 9890400

AND

- iv.) Local Weights and Measures Authority
Trading Standards
Consumer and Business Regulations
Mulberry Place
5 Clove Crescent
London E14 1BY

Tel: 020 7364 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
5 Clove Crescent
London E14 1BY

Tel: 020 7364 5009

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

London Borough of Tower Hamlets

Environmental Protection

Mulberry Place

5 Clove Crescent

London E14 1BY

Tel: 020 7364 5007

- (f) A body which:

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

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

CPRS Unit

2nd Floor

Mulberry Place

5 Clove Crescent

London

E14 2BG

Tel: 020 7364 3496

Public Health

Dr Somen Banerjee

Interim Director of Public Health Tower Hamlets

4th floor Mulberry Place

5 Clove Crescent

London E14 2BG

Tel 0207 364 7014

This list can also be found at:

www.towerhamlets.gov.uk/data/business/data/regulations/data/licensing-act-2003

Appendix 2

Mandatory Conditions

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

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

From 6th April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol),
or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

In addition From 10th October 2010:

5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
6. The responsible person shall ensure that–
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Appendix 3:

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

Conditions relating to the prevention of crime and Disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

General

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

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

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

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the 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
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

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

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

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the 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 meters of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

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

Special effects

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

Specials effects which should be considered include:

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

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

Annex F

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

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

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out below:
- Between 1-100 members of the audience present on a floor – 1 attendant must be present on that floor.
 - Between 101-250 members of the audience present on a floor – 2 attendants must be present on that floor.
 - Between 251 - 500 members of the audience present on a floor – 3 attendants must be present on that floor.
 - Between 501-750 members of the audience present on a floor – 4 attendants must be present on that floor.
 - Between 75-1000 members of the audience present on a floor – 5 attendants must be present on that floor.

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

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

- (e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- (f) copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

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

Drinks

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

Balcony Fronts

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

Special effects

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

Specials effects include:

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

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

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

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

Ceilings

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

Seating

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

Premises used for film exhibitions

Attendants – premises without a staff alerting system

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

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

Attendants – premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out below:
- Between 1 - 500 members of the audience present on the 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) member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) member of staff whose usual location when on duty is more than 60 meters from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

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

Flammable films

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

Annex G

Conditions relating to the prevention of public nuisance

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

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

General

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

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

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

Hours

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

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

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

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

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

Noxious smells

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

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

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

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Annex H

Conditions relating to the protection of children from Harm

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

Access for children to licensed premises – in general

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

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

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 23:00, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should, explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

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

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

Age restrictions – Cinemas

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

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

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

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

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

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

Theatres

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

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

Performances especially for children

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

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

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

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely 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) registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c). (46) (see section 111(1) of that Act),
or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).

- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that —
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.

- (3) References in this Act, other than this section, to —
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.

- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly —
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club,and (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.

- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions —
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.

- (6) In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

Annex J

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

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

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

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

Annex K

Key actions for licensing authorities in connection with Safer Clubbing

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

Key activities of licensing authority officers include:

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

Appendix 4:

Licensing Contact Details

A printed version of the 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

It is also available for inspection at the above office.

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Weavers Summary Appendix Two

Date of application	Application	Premises type	Name address weavers	Determination
06/11/2013	New Premises licence	Fast food Takeway, small seated area	Subway 222 Brick Lane E1 6SA	granted with conditions
20/11/2013	New Premises licence	Commercial members club above existing premises	Private Members Club 1st Floor 19-23 Bethnal Green Road E1 6LA	granted with conditions
06/01/2014	New Premises licence	restaurant	Pretty Cuppa Ltd 178D Brick Lane E1 6SA	granted
24/01/2014	Time Limited Premises Licence	Circus event	Arnold Circus Event	granted
11/03/2014	New Premises licence	Restaurant	Qualm Free Tearoom 240 Brick Lane E2 7EB	granted with conditions
12/03/2014	New Premises licence	Restaurant	Busaba Eathai 3 Innova Passage E1 6LJ	granted with conditions
29/04/2014	New Premises licence	Cinema	Close-Up Film Centre Limited 97-99 Sclater Street E1 6HR	granted with conditions
21/05/2014	Variation of Premises Licence	Restaurant	Burro E Salvia 52 Redchurch Street E2 7DP	granted with conditions
25/06/2014	New Premises licence	Existing pub with grandfather rights licence	Lounge Lover 25 Whitby Street E1 6JU	withdrawn
23/07/2014	New Premises licence	Restaurant	Maison Trois Garcons 45 Redchurch Street E2 7DJ	in licensing process
29/07/2014	New Premises licence	Basement cinema, ground floor café, 1 st floor nail bar	Redchurch General Store Basement Ground & 1st Floor 64-66 Redchurch Street E2 7DP	In licensing process
05/08/2014	Time Limited Premises Licence	Pop – up Cinema	Former Shoreditch Station Pedley Street E1 5EW	in licensing process -

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Spitalfields and Bangla Town Summary Appendix Three

Application date	activity	Premises type	Name, address	Determination
08/11/2013	New Premise Licence	Mini-grocer off licence	Convenience Store 129 Whitechapel High Street E1 7PT	refused application
18/11/2013	Variation of Premises Licence	Mini-grocer – off licence	Best Star One 23 Whitechapel Road E1	Refused variation
28/11/2013	Variation of Premises Licence	Restaurant	Lupita 60-62 Commercial Street E1 6LT	refused application
10/12/2013	New PremiseS Licence	Restaurant	Preem Ground & Basement 118-122 Brick Lane E1 6RL	refused application
31/1/14	New Premises Licence	Restaurant	Tapas Revolution 58 Bethnal Green Road, E1 6JW	granted with conditions
12/02/2014	new Premise Licence	Specialist retail premises	Bicycle Retail Ltd 4 Market Street E1 6DT	Granted with conditions
31/03/2014	new Premise Licence	Organic health store retailer	As Nature Intended Exchange Building 132 Commercial Street E1 6NG	granted with conditions
4/4/14	New Premises licence	Restaurant	Pizzaluxe, Unit 11, Avant Garde, Sclater Street, London E1 6HZ	granted with conditions
08/04/2014	new Premises Licence	Restaurant	Spianata & Co 41 Brushfield Street E1 6AA	granted with conditions

Spitalfields and Bangla Town Summary Appendix Three

08/04/2014	Variation of Premises Licence	Restaurant	Boho Mexica 151-153 Commercial Street E1 6BJ	refused application
06/05/2014	Time Limited Premises Licence	Open space	Car Park 152 Brick Lane E1 6RU	withdrawn by applicant
09/05/2014	Variation of Premises Licence	Restaurant	Ottolenghi 11a Artillery Passage E1 7LJ	granted as no objections
12/05/2014	Variation of Premises Licence	Restaurant	Wright Brothers 8 Lamb Street E1 6EA	granted with conditions
20/05/2014	new Premises Licence	Restaurant	Pilpel 38 Brushfield Street E1 6AT	granted with conditions
03/06/2014	new Premises Licence	Bar	Public Life 82a Commercial Street E1 6LY	withdrawn by applicant
04/06/2014	new Premises Licence	Restaurant	Bundu Khan 43 Commercial Street E1 6BD	In licensing process
14/07/2014	new Premises Licence	Mini grocer – off licence	Food Giant Express 129 Whitechapel High Street E1 7PT	In licensing process
21/7/14	new Premises Licence	Restaurant	A Filo Ltd Unit 9 Block B", 6 Richmix Square, London	In licensing process
24/07/2014	new Premises Licence	Bar and entertainment area in Entrepreneurs Cub	Second Home Limited Ground Floor 68-80 Hanbury Street E1 5JL	In licensing process
24/07/2014	new Premises Licence	Restaurant	Misschu 91 Whitechapel High Street E1 7RA	In licensing process
05/08/2014	new Premises Licence	Restaurant	Mercado, City Scape Retail Unit D Wentworth Street E1 6BD	In licensing process

Spitalfields and Bangla Town Summary Appendix Three

05/08/2014	Variation of Premises Licence	Restaurant	Ottolenghi 11 Artillery Passage E1 7LJ	In licensing process
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Appendix Four - Environmental Protection

The policy as it stands at present allows a great deal of flexibility as to whether a licence is granted in the CIZ and the conditions attached particularly in relation to hours of operation.

Despite the introduction of the policy licences have been granted with times of operation outside of those permitted by the CIZ contrary to Environmental Protection recommendations concerning the cumulative impact in terms of noise and public disturbance.

It is fully understood that each application is and has to be fully considered on its merits and if the applicant demonstrates to the satisfaction of the Licencing Sub – Committee that operating outside of the hours prescribed in the CIZ will not add to the cumulative impact in Environmental Protection terms – noise and public order they may grant the licence.

I understand that the policy cannot be seen as prohibitive to granting or varying licences but in order to ensure that in granting applications in future a high standard and a more rigorous examination of the operating schedule and supporting evidence provided by the applicant should be applied in order that the integrity of the CIZ is maintained.

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Appendix Five -Licensing Responsible Authority

Special policies to manage the cumulative impact of licensed premises in a defined area has been used by a number of Licensing Authorities across England and Wales. A number of London Boroughs have cumulative impact zones, examples are Hackney, Islington and Westminster.

Cumulative Impact Zones are criticised by members of the Licensing profession for being a blunt tool that often delivers unintended negative consequences. The critics observe that a doughnut effect can result: premises open just outside the zone close to its borders.

In some areas, the critics say, cumulative impact zones in a town centre, have led to a decline in the area with visitors travelling elsewhere. The critics observe that Licensing Authorities have other tools that have proven record of tackling the cumulative impact of licensed premises. They cite, as best practice: Best Bar None awards, Business Improvement Districts and Purple Flag/

That said, the ability to consider the implementation of a cumulative impact zone, special policy area within a Licensing Authority area is crucial tool in ensuring that the licensing objectives set out in the Licensing Act 2003 are promoted.

The Licensing Team is using some of the initiatives the critics cite as best practice within the Cumulative Impact Zone.

Best Bar None

Eight bars within the cumulative impact zone are being assessed for the Best Bar None(BBN) award.

BBN is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night time economy, with premises now competing to participate. It has since been adopted by 100 towns and cities across the UK and is now being taken up internationally.

The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities.

It reduces the harmful effects of binge drinking as well as improves the knowledge and skills of enforcement and regulation agencies, licensees and bar staff to help them responsibly manage licensed premises.

The process of becoming recognised by BBN includes meeting minimum standards and culminates with a high profile award night with category winners and an overall winner.

Responsible operators are recognised and able to share good practice with others. A scheme can also highlight how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area.

In 2007 an agreement was reached between Greater Manchester Police, the Home Office and BII, the professional body for the licensed retail sector, to develop the scheme nationally. An independent committee has been formed and is currently chaired by Philip Kolvin QC. BII's role in Best Bar None is to help and foster future development of the scheme.

High Strength Alcohol – reduce the strength – single can condition

25% of the retailers – off sales, have signed up to an agreement to stop selling beers and ciders with an alcohol by volume of over 6.5%. Following licensing reviews, a number of off licences have had a standard high strength condition imposed on their premises licences. This restricts the businesses to selling high strength beer and cider in multiples of three or more cans or bottles – the “single can” condition.

Restrictions on opening alcohol and providing plastic cups

A number of off licences, within the cumulative impact zone, had started the practice of opening alcohol for customers, as well as providing plastic cups to drink from. Community concerns had been raised about crowds gathered in the Brick Lane drinking from plastic cups causing nuisance.

Licensing reviews were triggered and conditions were imposed on the premises licences of a number of off licences prohibiting the supply of plastic cups and the opening of alcohol by the retailer.



This guidance note sets out indicative appropriate licensing hours within the borough.

Implementation of planning conditions in relation to operating hours is at the discretion of the Development Management case officer, paying due regard to existing planning policy, this guidance note and precise local context which might include, but not be limited to:

- proliferation of similar uses within a compact area which together are likely to have a negative impact on the amenity of nearby residents, businesses and other stakeholders;
- proximity of the applicant's business to residential units (except where night-time uses pre-dates residential use);
- likely degree of disturbance from both the direct operations of the business and from arriving and departing patrons on surrounding properties; and
- likely arrival and dispersal patterns of patrons and any potential impact on properties further afield from the location of the venue.

The methodology for calculating the suggested latest hours of closure is based upon the character of each area, its transport links and existing uses. For example, Cambridge Heath neighbourhood centre has been deemed suitable for later closing hours than the Crisp Street Market district centre as Cambridge Heath is located around main thoroughfares, has numerous bus routes passing through, a railway station, and has relatively few residential units directly bounding the centre whereas Crisp Street Market has a limited existing night-time economy offer with a number of residential units throughout and surrounding the area.

Appendix 1 contains the suggested latest Friday and Saturday closing hours for premises in the borough within each spatial policy area, though micro-local circumstances can necessitate variations to those limits within some areas (such as edge-of-centre locations within town centre boundaries). It should be noted that this guidance is not exhaustive or definitive; while guidance on the appropriateness of uses within policy is clear it may be the case that any given night-time use may be more appropriate in a particular location outside of a spatial policy area than one within the town centre hierarchy. Nevertheless, the guide times are indicative based on local context. Earlier closing hours than those stated may be appropriate between Sunday and Thursday.

Appendix 2 contains current Local Plan policy that are of most relevance to applications for night-time uses.

Paragraph 13.56 of the Licensing Guidance issued under section 182 of the 2003 Act provides: "There are 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." The Council understands that on occasions venues (up to a capacity of 499 persons) may seek to go beyond their regular conditioned hours in

order to facilitate events, therefore it is suggested an application is submitted to vary existing planning conditions to enable them to operate with a Temporary Event Notice issued by the Council's Licensing Department. Venues with a capacity of over 499 persons must apply for a Time-Limited Premises Licence. Application forms for a variation of planning conditions and for a Temporary Event Notice are attached as Appendix 4 and Appendix 5 respectively.

Appendix 1: Suggested closing times by location - Friday & Saturday

Note: The hours in brackets denote latest times of exit

Area	Restaurants	Takeaways	Public Houses (Without entertainment)	Public Houses & Bars (With entertainment) and Nightclubs
Neighbourhood Town Centres				
Aberfeldy Street	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Barkantine Estate	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Ben Johnson Road	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Cambridge Heath	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Columbia Road	00:00 (00:30)	00:00	01:00 (01:30)	Unsuitable
Devons Road	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Limehouse	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Manchester Road	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Mile End	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Poplar High St	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Salmon Lane	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Stepney Green	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Stroudley Walk	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Thomas More	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Wapping High St	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Westferry Rd	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
District Town Centres				
Bethnal Green	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Brick Lane	00:00 (00:30)	02:00	01:00 (01:30)	01:00 (01:30)
Chrip Street Market	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Crossharbour	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Roman Road East	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Roman Road West	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Watney Market	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Whitechapel	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Major Town Centres				
Canary Wharf	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Central Activities Zone				
Central Activities Zone	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Activity Area				
City Fringe	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Isle of Dogs	00:00 (00:30)	01:00	01:00 (01:30)	Unsuitable

Non-Spatial Policy Areas				
Within 150m of residential property	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
More than 150m from residential property	00:00 (00:30)	01:00	01:00 (01:30)	01:00 (01:30)

Appendix 2: Current Local Plan policy on night-time uses

Core Strategy

Spatial Policy 01 (Re-focusing on our town centres)

2. Ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre. This will be achieved by:
- b. Ensuring town centres are active, well-used and safe during day and night through appropriate uses and good design.
 - c. Encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of our town centre hierarchy. Ensuring such uses are:
 - i. Not over-concentrated in areas where they will have a detrimental impact on local people;
 - ii. Of a balanced provision to cater for varied needs; and
 - iii. Complementary to existing uses and activities.

Spatial Policy 10 (Creating safe and durable places)

4. Ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development:
- a. Protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight);

Managing Development Document

DM1 (Development within the town centre hierarchy)

4. To further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- a. they do not result in an overconcentration of such uses; and
 - b. in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
5. Furthermore where A5 uses are supported in town centres:
- a. in district centres, the total percentage of A5 uses must not exceed 5% of the total number of units; and
 - b. the proximity of an existing (or proposed) school and/or local authority leisure centre will be taken into consideration.
6. In recognising the distinct roles and functions of Canary Wharf and Brick Lane town centres:
- a. A3, A4 and A5 uses in Canary Wharf major centre will be considered on the merits of individual applications; and
 - b. A3, A4 and A5 uses in Brick Lane district centre will be supported where they do not exceed 25% of the total number of units.

DM25 (Amenity)

1. Development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:
 - e. not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.

Appendix 3: Example wording for a planning condition relating to operating hours

The use allowed by this permission shall not take place other than between the hours of: -

09.00- 23.00 Monday to Thursday
09.00 -01:00 Friday and Saturday
09.00 -22.30 Sundays

With all patrons to have left the premises within 30 minutes of the premises closes.

Unless the premises is operating in accordance with hours permitted by a valid Temporary Events Notice issued by the Council's licensing department. If the premises is operating under a Temporary Events Notice it should displayed behind the bar area.

Reason: To safeguard the amenity of adjacent residents and the area generally and to accord with policy DM25 of the Managing Development Plan (adopted April 2013)

Appendix 4: Application form for removal or variation of a condition following planning approval

Appendix 5: Application form for Temporary Event Notice

Appendix Seven – Metropolitan Police

In regards to the CIZ covering Brick Lane I have spoken with my Licensing colleagues and would like the following to be taken in to consideration.

While we would like to oppose every new license within the zone this would legally be questionable, and in the long term it is not going to help the local area especially if we want to change the clientele that frequent Brick Lane.

The whole purpose of the saturation zone was to combat 'the continued development and increasing number of restaurants, late night takeaways, off licences and bars, has the potential to lead to public disorder and anti-social behaviour in the area.' We as police officers remain resolute that the plan in place should be used to combat vertical drinking bars and such establishments where there sole purpose is to serve alcohol. The recent application for an Italian style restaurant where alcohol was being sold at a premium price is a business we feel would not increase ASB, not that dissimilar to the recent application for a cinema to have a small bar for customers. However, the granting of a licence to Beach Blanket Babylon was a disappointment to us despite our objections and concerns that it would lead to further disorder in the area.

Food outlets inherently attract late night customers across the borough, who's operating hours are designed to catch the person who has been drinking all night, and as such this naturally leads to disorder, noise nuisance and littering. We are against any further licences being granted for chicken shops, Subways or such establishments where seating is limited, and the main aim is to serve food and then get the customer back on the street in the shortest possible time.

The Licensing team are also keen that Early Morning Restriction Orders (EMRO's) restricting the time after which alcohol may be sold or supplied, set by the Licensing Authority between midnight and 06:00 under a Premises Licence, Club Premises Certificate or Temporary Event Notice, should be utilised more often.

In summary we feel that each case should be decided on it's merits, and that the saturation zone should be used to target specific types of premises that are historically proven to create ASB and/or alcohol driven, but encourage applications where premises would expect persons to have only a couple of drinks as part of a meal or entertainment. We understand that Brick Lane needs to evolve in order to survive, but we need to remember that the area is surrounded by residential dwellings and heavily populated, a difficult balance to achieve.

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Appendix Eight.

Public Health

Tower Hamlet's Public Health Department and the wider health community fully support the Tower Hamlets' Cumulative Impact Zone (CIZ) as part of a wider strategy to reduce the impact and harm caused both to individuals and communities.

Tower Hamlets continues to have significantly worse alcohol related harm indicators compared with regional and national levels. The latest Local Alcohol Profiles for England clearly demonstrate that Tower Hamlets has significantly high rates of admission to hospital, use of emergency services and death which be directly and indirectly linked to alcohol consumption. This is true for men and women and is particularly of concern as this figure appears to be increasing and needs to look at in the context of the borough's demographics. This is to recognise that a significant number of adults do not consume alcohol locally.

Between November 1st 2013 and August 31st 2014 there have been 2029 London Ambulance Service (LAS) call outs in Tower Hamlets where the main reason has been logged by the LAS as "alcohol related illness". This does not therefore fully capture those where alcohol has contributed to an assault or trauma, or where someone has fallen over and banged their head or has experienced an exacerbation of a stable mental health problem due to alcohol. We are able to demonstrate that there is a high volume of have ambulance call outs within the CIZ relative to some areas of the borough. It is too early to comment upon whether the CIZ has impacted on call outs, but it is something we are monitoring carefully as we go into the second year of the CIZ.

At the moment the data is only available to us at a ward level. However, we are now working with our health colleagues to be able to pinpoint call outs and pickups to specific premises. Furthermore Bart's Health A and E is now gathering data on those who present with an alcohol related problem and asking where they obtained alcohol with the aim of identifying hot spots where we can ask for license reviews. Whilst this data is still in the early stages of refinement presentation at A and E is closely related to how easy it is to obtain alcohol particularly later in the evening.

The CIZ also contains accommodation for some of our borough's most dependant drinkers and ease of access to alcohol for them impact on those objectives which the licensing act seeks to upheld; for example disorder and public safety. We are again doing further work in this area.

Public Health and health partners would like the CIZ to continue and review again in 12 months' time. We fully support the partnership's approach to reducing alcohol related harm.

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