

Statement of Licensing Policy 5 Year Review – Proposed Changes

Section/Page	Addition/Deletion	Rationale
All	Amend all references to licensing authority: Licensing Authority	Licensing Authority should be in capital at start of each word.
Page 0	Add: Front page with LBTH Logo and “ <i>The London Borough of Tower Hamlets, STATEMENT OF LICENSING POLICY 2018 – 2023</i> ”	Current policy has now front page.
Page 2	Amend Para. 1: The Licensing Act 2003 available from “ http://www.legislation.gov.uk/ukpga/2003/17/contents or by telephoning +44 (0)333 202 507.” Amend Para. 2: Government Guidance under Section 182 of the Licensing Act 2003: available on the website “ https://www.gov.uk or by telephoning 020 7035 4848.” Amend Para. 3: Tower Hamlets guidance documents on making applications under the Licensing Act 2003 available from “ http://www.towerhamlets.gov.uk/licensing , or available from the Licensing Service on 020 7364 5008.” Amend Para. 8: “ You will Find ” ¶there is more detailed information about the four themes, and how they support One Tower Hamlets at: “ http://www.towerhamlets.gov.uk/ignl/community_and_living/community_plan/strategic_plan.aspx ”	Out of date information
Page 3 Para. 1.1	Delete first sentence of Para. and replace with: 1.1 “ <i>The London Borough of Tower Hamlets is the Licensing Authority under the</i>	Improve clarity.

	<p><i>Licensing Act 2003 (the Act). It is responsible for granting premises licences; club premises certificates; temporary events notices, in respect of the provision of licensable activities; and personal licences in the Borough.</i></p> <p><i>The term ‘Licensing Authority’ will be used in all future references to ‘the London Borough of Tower Hamlets’ in this Statement of Licensing Policy.</i></p> <p><i>All references to the Secretary of State’s Guidance relate the statutory guidance to the version published by the Home Office under s.182 of the Act on the 6th April 2017. A copy of this version is available at www.gov.uk.</i></p>	
Page 3	<p>Add second para – 1.2 and move and amend list from para 1.1 as below:</p> <p><i>1.2 This policy is intended to provide clarity to applicants, ‘other persons’ and ‘responsible authorities’ on how this Licensing Authority will determine applications for the following licensable activities:</i></p> <ul style="list-style-type: none"> <i>• Retail sale of alcohol</i> <i>• Supply of alcohol to club members</i> <i>• Provision of regulated entertainment (as defined in Schedule 1 of the Act)</i> <i>• Supply of hot food and / or drink between 23:00 and 05:00 hours”</i> 	Improve clarity.
Page 3 Para 2.1 and 2.2	<p>Delete paras and replace as below:</p> <p><i>“2.1 This ‘Statement of Licensing Policy’ was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State’s Guidance issued under Section 182 of the Act.”</i></p> <p><i>2.2“The 2003 Act requires that the Licensing Authority, after consultation, adopts and publishes a “Statement of Licensing Policy” that sets out the policies the Licensing</i></p>	Improve flow clarity on Licensing Authority’s application of the policy.

	<i>Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively.”</i>	
Page 3 Para. 3.1	<p>Delete para and replace as below:</p> <p><i>“Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are:</i></p> <ul style="list-style-type: none"> <i>• the Chief Officer of Police,</i> <i>• the Fire Authority,</i> <i>• representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough</i> <i>• such other persons considered to be representatives of business and residents in the area.</i> <p><i>The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.”</i></p>	Out of date and improve clarity and legal content
Page 3 Para. 3.2	Change “Council” for “ <i>Licensing Authority</i> ”, and after the word “organisations” add in “, <i>and other key stakeholders</i> ”.	Clarity and improvement
Page 3 Para. 3.3	Change “Council” for “ <i>Licensing Authority</i> ” and delete “ <i>by the Council</i> ” at the end of the para.	Clarity and improvement
Page 4 Para. 4.8	<p>Delete para and replace with:</p> <p><i>“Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are</i></p>	Improve wording to fit in with current Home Office Guidance definitions.

	<i>within the control of individual licensees.”</i>	
Page 5 Para. 4.9	Delete and replace with: <i>“In relation to all applications where the Licensing Authority’s discretion is engaged it will consider the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.”</i>	Better information and clarity
Page 5 Para. 4.11	Delete para.	This was new when policy reviewed. This is not the case now and Appendix 1 list all current Responsible Authorities.
Page 5 Para. 4.12	Delete para and replace with: <i>“If representations are made by a "responsible authority" or other persons the application will be determined the Licensing Sub-Committee. In making decisions on licence applications the Licensing Sub-Committee will have regard to the Act and relevant Regulations, the Secretary of State’s Guidance, and this Statement of Licensing Policy.”</i>	Improve clarity and update as per guidance/legislation (“other persons”).
Page 5 Para. 4.13	After the word “application” replace “must” with “will”. After the word conditions replace the word “or” with “and”.	Improve clarity. Correct wording.
Page 5 Para. 4.14	After the word “considering” delete “these conditions” and add:	Improve Clarity and consistency with

	<p><i>“the addition of conditions consistent with applicant’s operating schedule,”</i></p> <p>After “the Licensing Authority” add <i>“will ensure that such conditions are enforceable and proportionate.”</i></p> <p>Delete: “primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.”</p>	Home Office Guidance
Page 6 Para. 4.19	<p>Delete “Consultation with local residents”, Add: <i>“Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents”</i></p> <p>Delete. “about a premises or club which is applying for a licence is carried out by the business which is applying for the licence. Notification of applications under the Licensing Act 2003 is limited”</p> <p>Add: <i>“This statutory consultation requires”</i></p> <p><i>After the word “advertisement”, Add: “of the application”</i></p> <p>After the word “premises” deleted “both done by the applicant”, Add: <i>“Failure to adhere to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period.”</i></p>	Improve clarity
Page 6 Para. 4.20	<p>After the word “Authority”, delete “has determined”; Add: <i>“will”</i> and Delete: “to itself”.</p>	Better clarification of Licensing Authority’s voluntary consultation.
Page 7 Para.	<p>After the sentence ending in the word “businesses.”, Delete; “The scope of this</p>	Incorrect and not

4.21	consultation will be decided by the Trading Standards and Licensing Service Manager”.	relevant.
Page 7 Para. 4.22	Delete para and replace with: <i>“In respect of paragraphs 4.20 and 4.21 above should the Licensing Authority, in the unlikely event, fail to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application. The Licensing Authority can only refuse or delay (restart the consultation period) where it receives an invalid application or where the applicant fails to comply with the statutory consultation.”</i>	Better clarification of Licensing Authority’s voluntary consultation.
Page 7 Para. 5.3	Capitalise the “a” of Authority. After the word “responsible” delete the word “authorities” and add the word “ <i>authority</i> ”.	Correct as per Home Office Guidance.
Page 8/9	Add these new paras. <i>“Home Office as a Responsible Authority</i> <i>From 6th April 2017 the provisions of Immigration Act 2016 which relate to Licensing became effective. These provisions amend the Licensing Act 2003 making the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State’s behalf. For contact details please see the list of Responsible Authorities in Appendix 1.</i> <i>When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it</i>	Addition in light of the Immigration Act 2016, which came into force on 6 th April 2017.

is concerned with the prevention of illegal working or immigration offences more broadly.

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

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

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

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

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

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

	<p><i>to submit original copies of documents.</i></p> <p><i>Where an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.</i></p> <p><i>A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder’s permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder’s permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.</i></p> <p><i>The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:</i></p> <ul style="list-style-type: none"> <i>• An enforcement operation or data sharing that identifies a relevant offence,</i> <i>• The issue of a civil penalty for employing illegal workers,</i> <i>• The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.”</i> 	
<p>Para Number Change</p>	<p>Change Para numbers to 7 from this point.</p>	<p>Insertion of Immigration section above.</p>
<p>Page 8/9 Para 6.2</p>	<p>Between the words “crime and disorder” and “objective”, add “<i>licensing</i>”.</p> <p>The sentence starting with “Where”, after this word Delete: “Crime Prevention Officer”</p> <p>After the word “Police” Add “, <i>acting as a responsible authority</i>”</p>	<p>Improve clarity and update.</p>

	<p>After the word “recommendations” Add: “<i>in respect of an application</i>” the Delete: “for premises that relate”. Following this Add: “<i>relating</i>”</p> <p>After the word “objectives” Add: “<i>the Licensing Authority would expect the applicant to incorporate these into their</i>”.</p>	
Page 9 Para. 6.4	At end of sentence Add: “ <i>and to share prescribed information</i> ”	
Page 9 Para. 6.5	Delete “Section 182 of the Licensing Act 200 (See Appendix 2.)” and replace with “ <i>the Secretary of State’s Guidance</i> ”.	Update to correspond with earlier changes and improve clarity
Page 9 Para. 6.7	<p>Delete paragraph and replace with the below, keeping subparagraphs 1) and 2):</p> <p><i>Touting</i> – <i>This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.</i></p> <p><i>As a result, in relation to premises where there is intelligence that touting is, or has been carry out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits ‘touting’ as follows:-“</i></p>	Change to correct to current data.
Page 10 Paras 6.8 and 6.9	<p>Delete paragraph 6.8 and replace with:</p> <p><i>Street Furniture</i> – <i>placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to</i></p>	Improve flow.

	<p><i>authorisation of obstructions on the highway, and that the required authorisation are obtain prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.”</i></p> <p>Move paragraph 6.8 and 6.9 to page 16 below paragraph 10.3 (Prevention of Public Nuisance section).</p>	<p>These are related to this section and not Crime and Disorder.</p>
<p>Page 10 Para. 6.10</p>	<p>After the words “Portman Group” Add: “<i>Code of Practice</i>”.</p> <p>Second paragraph after the words “from the” Delete: “Licensing Act 2003, Section 182 Guidance are”, Add: “<i>the Secretary of State’s Guidance</i>”.</p>	<p>Update</p> <p>Correction to correspond to earlier changes</p>
<p>Page 10 Para. 6.11</p>	<p>Delete paragraph and replace with below:</p> <p><i>“Criminal Activity</i> - <i>There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:</i></p> <ul style="list-style-type: none"> • <i>for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;</i> • <i>for the sale and distribution of illegal firearms;</i> • <i>for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;</i> • <i>for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;</i> • <i>for prostitution or the sale of unlawful pornography;</i> • <i>by organised groups of paedophiles to groom children;</i> • <i>as the base for the organisation of criminal activity, particularly by gangs;</i> 	<p>More consistent with Home Office Guidance.</p>

	<ul style="list-style-type: none"> • for the organisation of racist activity or the promotion of racist attacks; • for employing a person who is disqualified from that work by reason of their immigration status in the UK; • for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol. <p><i>The Secretary State’s Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.”</i></p>	
Page 10 Paras. 6.12, 6.13, and 6.14	Delete paragraphs.	Not consistent and in keeping with Home Office Guidance.
Page 10 Para. 6.15	Delete: “advice provided in the guidance issued by the Home Office under section 182 of the Act” Add: “ <i>Secretary of State’s Guidance</i> ”.	Consistency with other policy amendments.
Page 11 Para. 6.16 (1)	At the end of the sentence after the word “delivery” Add: “ <i>to provide traceability</i> ”. Add second new Para: <i>“From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This</i>	Clarity on the reasons. Reflect changes to legislation

	<p><i>is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a ‘trade buyer’) does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs.”</i></p>	
Page 11 New Paras.	<p>After Para on Smuggled goods, Add:</p> <p><i>“6.17 Olympic Park – Football Ground</i></p> <p><i>6.18 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:</i></p> <p><i>1)On Match Days for premises licensed for the supply of alcohol for consumption on the premises:</i></p> <p><i>a. Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer,</i></p> <p><i>b. Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).”</i></p>	Updated to take account of West Ham United having Olympic Park as Home Ground.
All	<p><u>Replace all</u> “interested party” with “other persons”</p>	Up to date term of reference as per Home Office Guidance and

		legislation amendments
Page 12, Para 7.3	After the word “one” Add: “ <i>or more</i> ”.	Correct terms as per Act and Guidance.
Page 13, Para 8.1	After the word “Council Add “ <i>and came into effect on 1st November 2013</i> ”	Update.
Page 13/14	After Para 8.3 Add below Para and amend paragraph accordingly: <i>“Following consultation in 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to Licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.”</i>	Updated following CIZ consultation in 2018 on keeping the CIZ.
All pages/paras	Change all Para Numbers as per the insert of above.	Flow
Page 14, Para 8.4	After the word “refuse” Add: “ <i>by the Licensing Sub-Committee</i> ”	To clarify ambiguity that officers can refuse.
Page 12,	After the words “undermine one” Add: “ <i>or more</i> ”	Correct terms in

Para 7.3		keeping with Home Office Guidance, this can relate to one or more of the Licensing Objectives.
Page 13, Para 8.1	After word "Council" at the end of the paragraph, Add: " <i>and came into effect on the 1st of November 2013</i> "	Needs to be included as the CIZ was not effective until this date.
Page 14, Para 8.4	At the end of the second sentence after the word "refused" Add: " <i>by the Licensing Su-Committee</i> "	Correct term in line with correct procedure in law.
Page 14, Para 8.5	Delete "Figure One"	No reference given in police to meaning of figure one.
Page 15	Replace Map with new CIZ Map with expansion proposed.	Take note of consultation into review and expansion of CIZ.
Pages 12 to 15 Sections 7 and 8	Move both Sections below "Integrating Strategy and Avoiding Duplication" section (currently action 17) and amend Sections accordingly.	Improve and clarity
Page 15 Section 9 Public Safety	This now becomes section 7 and all sections beyond this increase accordingly.	Take note of move of Sections 7 and 8.
Page 16, para 9.4	After the word "attaching" Add " <i>proportionate and appropriate</i> ". After the words "Conditions drawn from" Delete: "a" and Add: " <i>the</i> ".	Clarity and flow more in line with Home Office Guidance and better not to include

	After the words "Pool of Conditions" Delete: "as proportionate and appropriate are contained in Appendix 2" and Add: " <i>found in the Secretary of States Guidance</i> "	Home Office Pool conditions as Appendix but refer to Home Office website as these could change in the course of 5 years.
Page 16 para 10	Add the word " <i>Public</i> " before the word "Nuisance"	Correction to be consistent with guidance/legislation.
Page 16 para 10.3	After word "Identified on 3 rd line Delete "8.2" and Add: " <i>Section 19 of this Policy (Special Cumulative Impact Policy for Brick Lane Area)</i> " After the word "Conditions" last line Add: " <i>found in the Secretary of States Guidance</i> "	Changes in light of the move of the CIZ section Change to reflect removal of Home Office modal conditions as an appendix.
Page 16	Add new paragraphs as per below: " 10.3. Street Furniture – <i>placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private</i>	Additional paragraphs to take account of these issues.

	<p><i>land.</i></p> <p>10.4. Fly Posting - <i>The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.</i></p>	
Page 16 Para. 11.3	At the end of the sentence after the word "appropriate" Add: <i>"(see appendix 1 – List of Responsible Authorities).</i>	Identifies Responsible Authority.
Page 16/17 Para. 11.4	First bullet point after the word "convictions" Add: <i>“, Fixed Penalty Notices (FPNs) or formal cautions”.</i>	Fixed Penalty Notices and formal cautions should be considered as these are enforcement actions.
Page 18 Para. 11.8	End of the sentence after the word "Bulletin" Add: <i>“by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale”.</i>	Provide clarity for the reasoning of the para.
Page 18 Para. 11.9	End of the sentence after the word "harm" Add new sentence: <i>“This will require operating plans to specify these measures and management controls. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.”</i>	Improve policy to make more robust in terms of what is expected in terms of protection of children from harm.

Page 18	<p>After Para. 11.9 add following paragraphs:</p> <p><i>“11.10. The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.</i></p> <p><i>11.11. Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place.</i></p> <p><i>11.12. Training should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.”</i></p>	Firm up the Licensing Authority’s approach to protection of children in line with Corporate Strategy.
Page 19 para. 13.2	Delete “11.1” and Add: 12.1	Take account of movement of sections as per above.
Page 19 Paras. 14.1 to 14.3	Change Font to Ariel size 12.	Correct to same Font and size as rest of Policy Document.
Page 20 Para. 15.1	<p>After “This Part of the” Add the word “<i>Policy</i>”.</p> <p>After the sentence ending in “framework hours” Delete “It only has any application when the”, and Add “<i>This only applies where the Licensing Authority’s</i>”. Then Delete “of the local authority”.</p>	Improve flow and clarity

Page 20 Para. 15.4	Add "(30 minutes)" after the word "hours" (last line).	Clarity.
Page 24 Para. 17.9	Delete Website link and Add: "http://www.towerhamlets.gov.uk/ignl/environment_and_planning/planning/Planning.aspx"	Correct website address.
Page 24 Paras. 17.11 to 17.18	Delete these paragraphs.	Late Night Levy in consultation and proposed to be adopted on 1 st January 2018 and new Policy will have relevant section on this power. These paras are therefore redundant.
Page 26, before Section 18	Before Section 18 (this will change in number due to changes above) "Sexual Entertainment" Add: new section relating to the introduction of the Late Night Levy: <i>"Late Night Levy</i> <i>Following formal consultation in 2017 the Council introduced a Late Night Levy within the borough on 1st January 2018, with the levied hours being midnight to 6am (00:00 to 06:00 hours). The levy is a discretionary power, which this Council has adopted.</i> <i>The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in the following legislation:</i> <ul style="list-style-type: none"> • <i>Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2</i> • <i>The Late Night Levy (Application and Administration) Regulations 2012</i> 	Late Night Levy to be adopted by Full Council and introduced on 1 st January 2018, subject to consultation.

- *The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.*

The purpose of the levy is to assist local authorities and the police to manage and improve the night time economy. The money raised by the levy can be used for a range of activities and can be given to other agencies where they can assist in the reduction of crime and disorder, promotion of public safety, reduction or prevention of public nuisance, and cleaning of highways or land in the Borough.

The Late Night Levy will be applied in accordance with the this Policy, having regards for the governing legislation and Home Office Guidance issued on 24th March 2015 in relation to the Late Night Levy (or any subsequent guidance).

From 1st January 2018 holders of premises licences or club premises certificates that are authorised by their licence for the sale/supply of alcohol (on and/or off sales) between the levied hours (00:00 to 06:00 hours). This will apply whether the hours detailed in such licences for the sale/supply of alcohol are used or not.

For example where a licence permits the sale/supply of alcohol until 02:00 hours (i.e. within the levied hours), however the premises closes regularly at 23:30 hours they will still be liable to pay the levy unless eligible for an exemption, see list of exemptions below.

The amount of the levy is set by the UK Government and is a yearly amount between £299 and £4,440 depending on the rateable value of the premises and the their actual use. See table below:

<i>Rateable</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>D x 2</i>	<i>E x 3</i>
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Value Bands (based on the existing fee bands)	No rateable value to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above	Multiplier applies to premises in category D that primarily or exclusively sell alcohol	Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

The Licensing Authority will collect the levy from those premises liable to pay it at the same time as the Premises Licence or Club Premises Certificate annual fee.

Failure to pay the levy will result in suspension of Licence/Certificate until the levy has been paid, and any outstanding money owed can be recovered as a civil deb.

Exemptions from the Levy

The following permitted categories of premises are exempt from paying the levy

- a) *Premises with overnight accommodation;*

this exemption does not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight,

- b) *Theatres and cinemas;*

this exemption only applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production, or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose,

c) *Bingo Halls;*

these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity,

d) *Community Amateur Sports Clubs;*

these must be clubs registered as Community Amateur Sports Clubs that are entitled to various tax concessions including relief from business rates,

e) *Community premises;*

these must be premises that form part of the church hall, chapel hall, village hall, parish hall, community hall or other similar buildings,

f) *New Year's Eve Premises only,*

this relates to premises which are authorised to sell alcohol between midnight and 6am, ONLY applies on New Year's Day.

No exemptions will be granted for the following:

a) *Country Village Pubs – this has been decided because it is not relevant to a London Borough such as Tower Hamlets as the definition is pubs that are solely designated in rural settlements with a population less than 3000.*

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

	<p><i>Reductions</i></p> <p><i>A 30% reduction of the levy will be given to premises who have achieved accreditation in Best Bar None (BBN) Scheme.</i></p> <p><i>No reduction will be given to premises subject to small business rates relief. This has been decided because these premises receive business rates relief to assist in their viability; however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Furthermore due to their rateable value, they are more likely to be liable to the lower levy amounts.</i></p> <p><i>Temporary Event Notices (TENs)</i></p> <p><i>The levy does not apply to Temporary Event Notifications (TENs)."</i></p>	
Page 26 Section 18	<p>Delete 1st paragraph and Add:</p> <p><i>"18.1. The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4."</i></p> <p>Deleted All other paragraphs in this section (paras 18.1 to 18.9).</p>	All text out-of-date as new legislation has been adopted and an SEV Policy Created. This section is therefore duplication and out of date.
Page 26/27 Section 18	Move Section to sit under Section on Late Night Levy	Flow.
Page 28 between Paras 19.4	<p>Insert new paragraph and change numbering accordingly:</p> <p><i>" Following this Policy the Steps that can be taken by the Licensing Authority Council</i></p>	Moved from Review Process as flows better here.

and 19.5	<p><i>include can take the following action:</i></p> <ul style="list-style-type: none"> <i>a. Taking no action;</i> <i>b. Issuing an informal warning;</i> <i>c. Recommending improvements within a particular time;</i> <i>d. Monitoring by regular inspection and invite to seek a further review if problems persist;</i> <i>e. Investigate breaches of legislation and refer matters to the Council’s Legal Department for consideration for prosecution.”</i> 	
Page 28 Para. 19.8	After end of 1 st sentence Add: <i>“The Secretary of State’s Guidance contains”</i> then reduce caps on “A” to reduce to “a”, then after conditions Delete: <i>is included in the appendix.</i>	Correct to new information above and Home Office Guidance.
Page 28/29 Section 19 Enforcement	More Enforcement Section to site above Review Process.	Better flow
Page 29	<p>Before: “20 Live Music, Dancing and Theatre” Add:</p> <p>“Late Night Refreshments and Deregulation Act 2015</p> <p><i>Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from</i></p>	

	<p><i>the requirement to have a licence to provide late night refreshment. Licensing authorities can choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises.</i></p> <p><i>The Licensing Authority can only exempt types of premises set out in the regulations. These are:</i></p> <ul style="list-style-type: none"> <i>• Motorway service areas;</i> <i>• petrol stations;</i> <i>• local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;</i> <i>• schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;</i> <i>• hospitals (except domestic premises);</i> <i>• community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;</i> <i>• licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.</i> <p><i>This Licensing Authority has decided it is not appropriate for the reasons of promotion of the licensing objectives to use the exemptions, and it requires all late night refreshment providers to be licensed.”</i></p>	
Page 29 Para. 20.5	<p>Add full stop after “venues” and Add: “<i>This is</i>” before the word “subject”.</p> <p>Delete “relating to” and Add: “<i>where the</i>”, after the word “premises”, then add: “<i>are</i>”.</p>	Improve flow and clarity.
Page 29 Para. 20.6	Add full stop after “premises” and Add “ <i>This is</i> ”.	Improve flow.

<p>Page 31 Para 21.1</p>	<p>Delete: “(for less than 500 people at a time and lasting for no longer than 96 hours)”.</p> <p>At the end of the 1st sentence Add: “<i>However advanced notice of at least ten full working days’ notice must be given to the Licensing Authority and the Metropolitan Police (please see paragraph 22.4 and 22.5 below for this Licensing Authority’s required notice period).</i>”</p>	<p>Update to take account of legislation/guidance changes and improve flow and clarity.</p>
<p>Page 31 Paras. 22.2 to 22.5</p>	<p>Delete Paragraphs 22.2 to 22.5 and Replace with:</p> <p><i>“Temporary Event Notices (TENs) authorise “one-off” licensable activities on a premises without the need for a premises licence or club premises certificate. TENs are not a Licence but a notification to the Licensing Authority, Police and Environmental Health of the intention to carry out Licensable activities. There are certain restrictions relating to TENs set out in the Act:</i></p> <ul style="list-style-type: none"> <i>a) the number of times a person (the “premises user”) may give a TEN (these figures are inclusive of Late TENs):</i> <ul style="list-style-type: none"> <i>– 50 times per calendar year for a personal licence holder,</i> <i>– 5 times per calendar year for other people (non personal licence holders);</i> <i>b) the number of times a TEN may be given for individual premises is 15 times in a calendar year (this number took effect from 1st January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21;</i> <i>c) the length of time a temporary event may last is 168 hours (this relates to the licensable activities only);</i> <i>d) the scale of the event in terms of the maximum number of people attending at any</i> 	<p>Update to take account of legislation/guidance changes and improve flow and clarity.</p>

one time can be no more than 499 (including staff/volunteers etc. running the event).

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

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

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

- i. Organisers of outdoor events are strongly advised to contact the Council's Arts and Events section, Environmental Health and Health and Safety as well as the emergency services for advice.*
- ii. With regards to giving notice to the relevant authority, as the term "give" used in section 100 of Licensing Act 2003 is not defined, the Licensing Authority considers this to mean the date on which the TEN is received by the Licensing Authority and not the date on which it was sent. Applicants are therefore advised to hand deliver notices if time is short, as late notices will not be accepted under*

any circumstances.

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

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

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

The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 22.2 (b-d) above and the below limitations referred to below in relation to the number of times a person (the "premises user") may give a Late TEN, which is:

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

*These "Late TENs" can be submitted to the Licensing Authority, Metropolitan Police and the Council's Environmental Health Noise Section between 5 and 9 days clear working days before the event, this does not include the day of receipt of the TEN or the day of the proposed event. It should be noted that if either the Police or the Council's Noise and Nuisance team lodges an objection to a Late TEN the event will **not** go ahead.*

	<i>The Licensing authority, with other partners, will provide advice where appropriate to help organisers to plan their events safely, check that the limitations set down in the Act are being observed and that there are no limitations or restrictions under other legislation.”</i>	
Page 32 Para. 22.7	Delete Para, and replace with: <i>“TENs received that relate to premises within the Cumulative Impact Zone may be received objections from the Police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the Cumulative Impact Zone (CIZ). Therefore persons giving TENs within this Zone should have regard for the Cumulative Impact Policy detailed above and the Secretary State’s Guidance relating to Cumulative Impact. The reason for the CIZ is to reduce crime and disorder, and nuisance from a concentration of licensed premises.”</i>	Better explanation on TENs in CIZ area..
Page 32 Para. 22.8	Delete paragraph	Already covered in inserted paras.
Page 32	As covered above insert Enforcement Section (previously section 19 now Section 23) above Review Process Section.	Flow
Page 32 Para. 23.1	Delete “Police, Fire Authority”, Replace with “ <i>responsible authorities</i> ”.	Responsible authorities includes more than just Police and Fire Authority.
Page 32 Paras. 23.2 and 23.3	Delete “Licensing” and “2003”	Improve flow of policy.
Page 32 Para. 23.5	Delete “London Borough of Tower Hamlets”, Add “ <i>Council</i> ”	Flow as mentioned at above.

Page 32 Para. 22.7	After “crime” Replace full stop with comma, and drop the caps on “Disorder”. Add capital P for police. Change to Para. 22.12 as per insertion of above paras.	Punctuation and grammar.
Page 32 Para. 22.8	Delete Paragraph	Not needed covered in above paras.
Page 32 Para. 23.5	Delete “London Borough of Tower Hamlets” and replace with “ <i>Council</i> ”	Improve flow of policy.
Page 33 Para. 23.7	Delete “contained” and Add “ <i>described in Part 8 of the Act (for example, closure orders), then Delete</i> ” in legislation and Add a comma.	Corrected to mirror Home Office Guidance
Page 33 Para. 23.8	Delete “The Licensing Authority must take the following steps if it considers it necessary to promote the licensing objectives:”, Add: “ <i>Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps.</i> ” Subparagraph a. Delete “Modifying the conditions of the premises licence (which includes the addition of a condition or any alteration or omission of an existing condition temporarily or permanently)”, Add: “ <i>Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).</i> ” Subparagraphs b. c. d. and e. Change initial word to “ <i>Exclude, Remove, Suspend, Revoke</i> ” respectively. After subparagraph e Then Delete “ Steps that can be taken by ” Add: “ <i>Following this Policy</i> ”, Delete: “ Council include ”, Add “ <i>Licensing Authority can take the following action:</i> After Subparagraph d. Add another subparagraph: “ <i>Investigate breaches of legislation and refer matters to the Council’s Legal</i> ”	Corrected to mirror Home Office Guidance and Council’s Enforcement Policy.

	<p><i>Department for consideration for prosecution.”</i></p> <p>Move this new paragraph to sit under Enforcement Section Paragraph 19.4 as a new Paragraph 19.5</p>	
Page 34 Para. 23.10	<p>Delete “Licence Suspension”, “<i>Add Non Payment of Licence Fee</i>”.</p> <p>Delete “This is a power brought as part of the”, Add “<i>In accordance with the</i>” then Delete “brought about by”, Replace full stop with comma and Drop Caps on “The”.</p>	Better clarity with Home Office Guidance
Page 34 Para. 23.11	<p>Delete “regulation”, Add legislation,</p> <p>After the word “days” Add “notice that the licence will be suspended,”</p> <p>Delete “Place (end of sentence) and Add “<i>effect</i>”.</p>	Better clarity with Home Office Guidance
Page 34 Para. 23.12	<p>Add “<i>It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send</i>”. Drop Caps on “A”.</p> <p>After the word “payment”, Add: “<i>to the licence holder giving 28 days from the date of the letter to make the required payment</i>”. Delete “will be sent and the Licensing Authority will then take”.</p> <p>After “If” Add: “<i>no</i>”, after “payment is” Add “<i>received the Licensing Authority will take</i>”. Delete “if payment is not received within 28 days”.</p>	Improvement and clarity.
Page 34 Para. 23.13	<p>Before “Income” Add “<i>Following the action to suspend the licence</i>”, and drop caps on “Income” to say “<i>income</i>”. After “payment” Add: “<i>is received</i>”.</p>	Clarity.
Page 32 Para	<p>Before the Word “Under” Add “<i>There are proceedings</i>” and drop the caps on “Under”</p>	Clarity

23.3		
Page 34 Paras 23.10 to 23.13	Move to sit under at end of “Enforcement” Section.	Improve flow.
Page 34 Para. 24.1	After “licensing authority and” Add “ <i>surrendered the licence or</i> ”.	Clarity.
Page 34 Para. 25.2	At end of sentence Add: “ <i>The Licensing Authority will also refer such practices to other authorities, where appropriate.</i> ”.	Such matters relating to discrimination etc. may require us to report it to other authorities.
Page 35 Para. 28.3	After “The” Add “ <i>following</i> ”, Delete “on the following page”.	Improve flow.
Page 36 Para. 28.4	Delete: “All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting. These decisions cannot be reversed.”	Not relevant.
Page 37 Para. 28.6	After “Licensing function” Add “ <i>and</i> ”. After appropriate Add “ <i>written</i> ”	Clarity.
Page 37 Para. 28.7	Between the words “Licensing” and “Team” Add “ <i>Safety</i> ”.	Update.
Page 38 Appendix 1	Change to new List of Responsible Authorities.	Update.
Page 41 Appendix 2	<p>Replace with current conditions:</p> <p>Mandatory conditions</p> <p>No supply of alcohol may be made under the premises licence-</p> <p>a) at a time where there is no designated premises supervisor in respect of the premises</p>	Update

	<p>licence, or</p> <p>b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended</p> <p><i>For “ON and OFF SALES” and “ON SALES ONLY”: Add conds 1-5</i></p> <p>1.</p> <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises</p> <p>(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;</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers</p>	
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	<p>on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</p> <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)</p> <p>2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</p> <p>3.</p> <p>(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy</p> <p>(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <p>(a) a holographic mark, or</p> <p>(b) an ultraviolet feature.</p> <p>4. The responsible person must ensure that—</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—</p> <p>(i) beer or cider: ½ pint</p> <p>(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and</p>	
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	<ul style="list-style-type: none"> (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available. <p>5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <ul style="list-style-type: none"> (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (b) “permitted price” is the price found by applying the formula — <ul style="list-style-type: none"> $P = D + (D \times V)$ where — <ul style="list-style-type: none"> (i) P is the permitted price (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence <ul style="list-style-type: none"> (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a 	
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	<p>licence, or</p> <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994</p> <p>3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax</p> <p>(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day</p> <p><i>For “OFF SALES ONLY” Add the following conds...</i></p> <p>3.</p> <p>(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p>	
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	<p>(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy</p> <p>(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <p>(a) a holographic mark, or</p> <p>(b) an ultraviolet feature.</p> <p>5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula —</p> $P = D + (D \times V)$ <p>where —</p> <p>(i) P is the permitted price</p> <p>(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and</p> <p>(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in</p>	
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	<p>force a premises licence</p> <ul style="list-style-type: none"> (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994</p> <p>3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax</p> <p>(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day</p>	
Page 43 Appendix 3	Delete and refer to Home Office Guidance where this appendices is mentioned in the Policy. Change all references within the policy to refer to Secretary of States Guidance (i.e. Home Office Guidance).	Update and removes the need to update if guidance is updated.

Page 73 Appendix 4	Replace Address with: Licensing and Safety Team John Onslow House, 1 Ewart Place, London E3 5EQ Change to Appendix 3	Update.
New Appendix	Add Appendix 4: Sexual Entertainment Venue Policy. Insert Policy	Update.

SEV Policy – Proposed Changes for consultation:

Section/Page	Addition/Deletion	Rationale
Introduction	<u>Add</u> : 'New applications'.	The policy is not to refuse all applications (which would include renewals), rather just new premises.

Police Considerations – Existing Licensed Premises	<u>Add</u> : ‘or sex cinemas’	Update names and addresses of current SEVs.	
	<u>Delete/Amend</u> : The names of some of the existing SEVs have changed; other premises have closed, or did not apply for an SEV licence when the new regime came in. The current SEVs are:		
	1. Nags Head Public House		17-19 Whitechapel Road, E1 1DU
	2. Metropolis		234 Cambridge Heath Road, E2 9NN
	3. The White Swan/Majingos		556 Commercial Road, E14 7JD
	4. Flamingos		30 Alie Street, E1 8DA
	5. Whites Gentleman’s Club	32-38 Leman Street, E1 8EW	
	<u>Add</u> : ‘to a paying audience’	More accurate reference to the legislation	
Limits on the number of licensed premises	<u>Amend</u> : ‘The Council has adopted a policy to limit the number of SEVs.’ <u>Amend</u> : ‘Have already been trading’	Tense change	
Premises Appearance and Layout	<u>Add</u> : ‘and public areas of the premises, excluding the toilets’	In line with inspections	
Making a new, renewal, transfer or variation application	<u>Add</u> : ‘An Applicant for the grant, renewal or transfer of a licence shall, not later than 7 days after the date of the application, send a copy of the application to the Chief Officer of Police.’ <u>Add</u> : ‘Local residents will not be consulted upon a renewal application.’ <u>Amend</u> : and indicate whether they consent to have their name and address revealed to the applicant ‘however, names and addresses will not be provided to the Applicant.’	In line with renewal legislation of Misc. Prov.	
Determining an	<u>Remove</u> : Applications with no representations will be approved under	Licensing Officers do not have	

<p>application</p>	<p>delegated authority to officers. <u>Add:</u> All applications will be considered by the Licensing Committee, whether or not representations are received. <u>Remove:</u> Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.</p> <p>All other contested applications will be referred to the Licensing Committee for determination.</p>	<p>delegated authority to grant unopposed applications. All applications must be referred to the Licensing Committee for consideration and for the addition of any potential additional conditions.</p>
<p>Transitional Arrangements / Existing Operators / Appointed Days</p>	<p><u>Remove:</u> Transitional Arrangements Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.</p> <p>The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day.'</p> <p>Existing Operators To allow time to comply with the new regime, existing operators, who,</p>	<p>This whole section can be removed. The transition period and associated appointed days applied to a specific period of time during which the new legislation was adopted and applied. This period has now expired and will not be repeated.</p>

immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

“Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003

Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.

For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

	<p>Appointed Days</p> <p>1st Appointed Day The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1st June 2014)</p> <p>2nd Appointed Day The day 6 months after the 1st appointed day (1st December 2014)</p> <p>3rd Appointed Day The day 6 months after the 2nd appointed day and the end of the transitional period (1st June 2015)</p>	
New applications	<u>Remove:</u> 'after the 1 st appointed day' x 2	The transition period and associated appointed days applied to a specific period of time during which the new legislation was adopted and applied. This period has now expired and will not be repeated.
Determining Applications Received on or before the 2^{ns} Appointed Day / Determining Application received on or Before the 2nd Appointed Day /	<p><u>Remove:</u> Determining Applications Received On or Before the 2nd Appointed Day Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.</p> <p>As the Council is able to refuse applications having regard to the number of sex establishment they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their</p>	This whole section can be removed. The transition period and associated appointed days applied to a specific period of time during which the new legislation was adopted and applied. This period has now expired and will not be repeated.

<p>Determining Applications Received after the 2nd Appointed Day / Outstanding Applications</p>	<p>application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.</p> <p>No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.</p> <p>Determining Applications Received After the 2nd Appointed Day Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.</p> <p>As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.</p> <p>Outstanding Applications The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.</p>	
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	Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants.	
Additional information and advice	Replace address: Licensing and Safety Team Environment Health and Trading Standards John Onslow House 1 Ewart Place London E3 5EQ	Update.