

Appendix 1

Review of a premises licence or club premises certificate

To review a licence you must be one of the following:

- 'Responsible Authority' (i.e. Police, Environmental Protection, Trading Standards etc); and
- Other persons (i.e any individual, local resident, body or business)

The review must relate to a particular premises and can be triggered if there is evidence that one or more of the following licensing objectives are not being promoted:

- the prevention of crime and disorder
- the prevention of public nuisance
- public safety
- the protection of children from harm

As well as returning the completed review application to the Licensing Authority, you will need to notify the holder of the premises licence and each responsible authority of their request, by sending them a copy of the application for review together with any accompanying documents, on the same day as the application is given to the relevant licensing authority.

The addresses you will need are attached in the Appendix.

The licensing authority can reject any ground for a review if it considers it to be frivolous, vexatious or a repetition. If not rejected, the licensing authority must hold a hearing to consider the application. You will be notified of the date of the hearing.

If you would like a copy of the London Borough of Tower Hamlets' Licensing Policy, please contact the Licensing Section or go to the Councils web page: www.towerhamlets.gov.uk/licensing

If you need any further help then please contact the licensing section, and we will be happy to help.

The Licensing Authority

Licensing Team
Environmental Health & Trading Standards
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel: 020 7364 5008

Email: licensing@towerhamlets.gov.uk

Responsible Authorities (Appendix 2)

There are a number of "Responsible Authorities". These have been designated by the Government. All new (including time-limited) and variation applications have to be sent to the responsible authorities.

<p>The Licensing Authority Licensing Team Environmental Health & Trading Standards Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 5008 Email: licensing@towerhamlets.gov.uk</p>	<p>The Chief Officer of Police Metropolitan Police Service (MPS) Central East Licensing Unit Licensing Office 2nd Floor Stoke Newington Police Station 33 Stoke Newington High Street London N16 8DS</p> <p>Tel: 07557 572 168 E: CEMailbox-TowerHamletsLicensing@met.police.uk</p>
<p>The Fire Authority London Fire Brigade Fire Safety Regulation Helpdesk 169 Union Street London SE1 0LL</p> <p>Tel: 020 8555 1200 x 89170 Email: FSR-AdminSupport@london-fire.gov.uk</p>	<p>Health and Safety Environment Health and Trading Standards Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 5008 Email: Healthand.Safety@towerhamlets.gov.uk</p>
<p><u>Note:</u></p> <p><i>If you are not sure you will need to check which organisation is responsible for health and safety before you send off your forms.</i></p> <p><i>For Vessels, see the next page for further details</i></p>	<p style="text-align: center;"><u>(Only if applicable)</u></p> <p>Health and Safety Executive Field Operations Division 4th Floor, North Wing Rose Court, 2 Southwark Bridge London SE1 9HS</p> <p>Tel: 020 7556 2100 Email: Formsadmin.London@hse.gov.uk</p>

<p>Local Weights and Measures Authority Trading Standards Administration Section Environment Health and Trading Standards Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 5008 E: Trading.Standards@towerhamlets.gov.uk</p>	<p>Planning Authority Planning Department London Borough of Tower Hamlets Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 5009 E: Development.Control@towerhamlets.gov.uk</p>
<p>Environmental Health Noise Team London Borough of Tower Hamlets Administration Section Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 5007 E: Environmental.Health@towerhamlets.gov.uk</p>	<p>Child Protection - Licensing 4th Floor Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 2135 / 020 7364 0677 Licensing-ChildProtection@towerhamlets.gov.uk</p>
<p>Public Health Director of Public Health Tower Hamlets 4th floor Mulberry Place 5 Clove Crescent London E14 2BG</p> <p>Tel: 020 7364 7014 E: PublicHealthLicensing@towerhamlets.gov.uk</p>	<p>Home Office Immigration Enforcement Home Secretary Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>E: alcohol@homeoffice.gsi.gov.uk</p>

FOR VESSELS NOT PERMANENTLY MOORED

<p>Tidal River Thames Port of London Authority London River House Royal Pier Road Gravesend Kent DA12 2BG</p> <p>Tel. 01474 562 200 Email: lic.app@pla.co.uk</p>	<p>Navigation Authority Canal & River Trust First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB</p> <p>Tel: 0303 040 4040 Email: customer.services@canalrivertrust.org.uk</p>
<p>The Maritime Coastguard Agency Marine Office Central Court 1B Knoll Rise Orpington Kent BR6 0JA</p> <p>Tel: 01689 890 400 Email: helen.duncan@mcga.gov.uk</p>	<p>If you are not sure where to send a copy of your application (s) to then please contact the Licensing Authority.</p> <p>For further information, visit www.towerhamlets.gov.uk/licensing</p>

Licensing Act 2003

Requesting a review of a premises licence

An interested party or responsible authority can, at any time, apply to the licensing authority for a review of a premises licence on a ground relating to one or more of the licensing objectives. An application for the review of a premises licence or club premises certificate must be given in writing and be in the prescribed form. Licensing authorities may make provision for applications for reviews to be made electronically, but this should be agreed in advance.

The person or body requesting the review must notify the holder of the premises licence and each responsible authority of their request, by sending them a copy of the application for review, together with any accompanying documents, on the same day as the application is given to the relevant licensing authority. The licensing authority must advertise the application for the review and invite representations from responsible authorities and interested parties. An interested party or a responsible authority has a period of 28 days in which to make representations to the relevant licensing authority.

The licensing authority can reject any grounds for a review if it considers it to be frivolous, vexatious or a repetition. If not rejected, the licensing authority must hold a hearing to consider the application.

How do I apply for a review of a premises licence?

An application for the review of a premises licence or club premises certificate must be given in writing and be in the prescribed form. Licensing authorities may make provision for applications for reviews to be made electronically, but you should check with the relevant licensing authority first.

The person or body requesting the review must notify the holder of the premises licence and each responsible authority of their request, by sending them a copy of the application for review, together with any accompanying documents, on the same day as the application is given to the relevant licensing authority.

What happens next?

The relevant licensing authority must advertise the application for the review by displaying a pale blue A4 (or larger) notice, printed legibly in black ink or typed in black, in a size equal to 16 font (or larger):

- Prominently at, on or near the premises to which the application relates, where it can be conveniently read from the exterior of the premises by the

public (where the premises covers an area of more than 50m squared, a further notice in the same form and subject to the same requirements every 50 metres along the external perimeter of the premises abutting any highway). The notice must be displayed for 28 consecutive days, starting on the day after the application is given to the relevant licensing authority

- At the offices, or the main offices of the licensing authority in a central and conspicuous place
- In a case where the relevant licensing authority maintains a website for the purpose of advertisement of applications given to it, by publication of a notice on that website

The notice must be displayed for 28 consecutive days, starting on the day after the application is given to the relevant licensing authority.

An interested party or a responsible authority has this period of 28 days in which to make representations to the relevant licensing authority.

The licensing authority can reject any ground for the review if it considers it to be frivolous, vexatious or repetitious. If not rejected, the licensing authority must hold a hearing to consider the application.

In the case of a review of a premises licence following a closure order by a magistrates court, an interested party or a responsible authority has a period of 7 days from when the licensing authority receives the order, in which to make representations about the review.

What information needs to be included in the advertisement for review?

Notices advertising applications for reviews and reviews of a premises licence following a closure order, need to state:

- The address of the premises about which an application for a review has been made
- The dates between which interested parties and responsible authorities may make representations
- The grounds of the application for review
- That postal address and website address (if any) where the register of the relevant licensing authority is kept and where and when the grounds for the review may be inspected
- That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

Do I have to pay a fee?

The Licensing Act 2003 (Fees) Regulations 2005 does not prescribe a fee for making representations, or applying for the review of a premises licence or club premises certificate.

Can the licensing authority make representations on a licence application or ask for a review of a licence?

No (except where a premises is situated in more than one area and a different licensing authority is determining the application) the Act does not give the licensing authority considering the application the power to make representation in relation to the application for a premises licence or request a review of a premises licence.

The same provisions apply in relation to club premises certificates and provisional statements.

Q&A

What are the licensing objectives?

What are relevant representations?

What does frivolous, vexatious or repetitious mean?

What are the licensing objectives?

The Act provides four objectives. In carrying out its functions the licensing authorities must do so with a view to promoting the objectives. They are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

These **licensing objectives** have been formulated to ensure that the carrying on of licensable activities is done in the overall public interest. Any representations made in relation to an application for a provisional statement, a premises licence or club premises certificate (or a variation) or in respect of a review must be about the likely effect of granting the application on the promotion of one or more of the licensing objectives.

What are relevant representations?

In brief "relevant representations" is the expression used in the Act for comments including objections on applications etc.

For a representation to be relevant it must:

- Relate to the effect of the grant of the licence on the promotion of the licensing objectives
- Be made by an interested party or responsible authority
- Not have been withdrawn
- Not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by an interested party
- If it concerns the premises supervisor be made by a chief officer of police and include a statement explaining the reasons for the objection

The Secretary of State has made [regulations under the Licensing Act 2003](#) in relation to the making of representations.

What does frivolous, vexatious or repetitious mean?

Frivolous or vexatious will bear their ordinary meaning. The licensing authority must form a view as to whether a reasonable person would consider the observations frivolous or vexatious.

In the case of a review of the licence, the Act provides that for a ground to be a repetition it must be identical or substantially similar to a ground for review already made. For a representation to be a repetition it is identical or substantially similar to one already considered by the authority before it determined an application, or the representation would have been considered but for the fact that they were excluded representations following a provisional statement. Further, the Act provides that it will be a repetition if a reasonable interval has not elapsed since the earlier application or review.

For any further enquiries please contact:

London Borough of Tower Hamlets - Licensing Section

Mulberry Place
5 Clove Crescent
London
E14 2BG

Tel: 020 7364 5008
Fax: 020 7364 0863
Email: licensing@towerhamlets.gov.uk

Note: You do not need to submit all the above guidance notes with this review application.



This form should be completed and forwarded to:

**London Borough of Tower Hamlets
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG**

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I PC Michael RICE (*Insert name of applicant*) apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
The Cocktail Club, 9 Cabot Square, Canary Wharf.	
Post town	Post code (if known) E14 4EB

Name of premises licence holder or club holding club premises certificate (if known)

The London Cocktail Club Limited

Number of premises licence or club premises certificate (if known)

146190

Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Central East Police Licensing, Metropolitan Police, 1 st Floor, Stoke Newington Police Station, 33 Stoke Newington High Street, London, N16 8DS.
Telephone number (if any)
E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

Central East Police Licensing request the review of The Cocktail Club, 9 Cabot Square, Canary Wharf, E14 4EB for failing to uphold the Licensing Objectives of preventing crime and disorder and protection of children from harm. The Cocktail Club licence was granted on the 1st July 2022 however it opened to the public on the 14th October 2022.

Summary of investigation findings.

In the early hours of Saturday 3rd December 2022 Police were made aware of an incident at a bar in Shoreditch where a group of young women, some aged 16 had a drink spiked and collapsed. While investigating the incident we learnt that the two sixteen year old girls and the rest of their friends had been drinking at the Cocktail Club in Canary Wharf for around six hours just before going to Shoreditch, where they purchased alcohol and became intoxicated with one becoming so drunk she vomited inside the club.

At no point were any of the group asked to show any ID despite purchasing drinks at the bar a number of times. It is also very worrying that no member of the Cocktail Club staff spotted clearly underage girls who were drunk and vulnerable inside their venue let alone offered them support.

While investigating how this was able to happen at a licensed premises we have discovered that drunken fights and disorder have taken place at The Cocktail Club and the venue, with most seriously a number of sexual harassment allegations

made by female customers. We also believe that other young people under 18 have been let into the venue and served alcohol.

Evidence found during Investigation

Central East Police Licensing Team visited the victim of the spiking after her discharge from hospital. She informed officers that her evening started at The Cocktail Club in Canary Wharf at around 6:30pm (Photograph MR/01 shows entry at 6:24pm). She and another 16 year old were due to meet friends for a night out. Both the 16 year old females were allowed entry into Cocktail Club, Canary Wharf without having their ID checked. A short while later, other members of the group have arrived at the venue, and again were allowed entry without having their ID checked. By this time one of the sixteen year old girls is stood at the bar ordering drinks picture (MR/02).

Police viewed CCTV from the Cocktail Club from reviewing the footage it becomes apparent that both sixteen year old girls are seen at the bar ordering drinks throughout the night. Staff are seen to serve them both cocktails and shots without challenge. The young teenage girls are served a significant amount of alcohol in a very short period of time, which as previously stated leads to one of the sixteen year old girls being sick onto the floor of the club where they are sat (please see picture MR/03).

After being sick the young girl and her friend run through the venue towards the toilet, with one clutching her mouth. This is directly next to a member of the security team who seems not to notice (picture MR/04). The 16 year old girl has been in the venue for less than 30 minutes.

Shortly after going to the toilet the same young female teenager is back at the bar ordering a drink (MR/05), she is stood alongside two friends using a Vape whilst waiting to be served. The young female and her young friends continue to be served

more alcohol, including shots throughout the night.

By 7:30pm about an hour after entering the venue, the group of young girls are clearly showing their age and the fact that they are intoxicated. Members of group run through the venue with no shoes on and one jumps onto the sofa at the booth they're sat at. By comparison other customers are sitting at their tables having drinks, no one else is seen running through the venue in an excitable, childish way.

At 9:15pm footage from the CCTV shows the majority of the group are at the bar. Some are ordering drinks with one of the sixteen year old girls buying at least two drinks from two separate members of bar staff. While at the bar one the girls becomes so drunk she needs to be helped to the toilets by a friend. Whilst on her way to the toilets she falls to the side and is helped by her friend who puts her arm around her shoulder to steady her so she does not fall to the floor. All this happens in the main area nearby to the bar, yet no action is taken by any staff to assist a vulnerable drunk teenager.

The group continue to purchase drinks and dance around the bar area. At around 11:30pm one of the sixteen year old girls is so intoxicated she is falling all over her friends and needs them to keep her from falling over. (MR/06) shows one of the girls trying to steady her but is almost pulled over by the drunk girl. She once again tries to go to toilet and again falls into a raised bar area. She is again helped by her friend to the toilet.

She comes back into the bar CCTV view at 11:36pm and is so drunk she is constantly having to be supported by her friend so she does not fall over. She attempts to dance but is so drunk she is unable to stand, instead having to hold onto the neck of her friend for support. Whenever she lets go she immediately stumbles into other people at the venue. Other members of the group seem to be doing an alcohol shot from a plastic syringe.

At 11:55pm, we believe the group is asked to leave or they do leave the venue.

From completing the review of CCTV, officers have also identified other customers, who we believe to be under 18 within the venue. From our review of the CCTV and other evidence none were asked for ID whilst at the bar or while entering the venue. Attached images MR/07 and MR/08 which show pictures of them. These individuals we believe to be under 18 can be observed both purchasing and drinking alcohol inside the Cocktail Club.

Police Visit to Cocktail Club Canary Wharf

On Saturday 3rd December 2022 Central East Police Licensing visited the Cocktail Club due to the concerns raised by this incident. It was apparent to Police that the venue was not well run and staff had little concern or interest in the welfare of their customers. For example staff at the venue did not know how many customers they had inside.

We spoke at length to staff members about the importance of knowing how many people were inside their venue. Whilst there we conducted a walk-through of the premises, I particularly remember that the toilet facilities were in a poor state, the male toilet had a significant amount of urine on the floor as well as other mess. The disabled toilets were also in a similar state, with the door being wide open, allowing anyone the use of this. A disabled guest at this premises should not have to use facilities left in this condition.

We visited the venue during a busy period with people coming and going to the bar, during our visit we did not observe a single ID check taking place. Nor could we find any evidence of refusals for ID in any of the clubs documents. The Cocktail Club did not keep an alcohol refusal log behind the bar, so staff had no way of recording drunk people at the venue, and what happened to them. A consequence of which is

people being too drunk to be served alcohol, but allowed to remain in the venue, and going on to cause problems. Instances of this are shown in the venues own security book.

It was apparent that staff serving at the bar were reliant on security staff to conduct ID checks, they weren't undertaking any themselves. There is a culture and attitude among management and staff, that customer welfare is somebody else's responsibility.

Harassment of female customers

Whilst watching CCTV of the underage female group in the bar we saw very concerning images of sexual harassment directed at them. In the footage we see a male who seems to be making unwanted advances on a member of the girl's group. This includes grabbing a female around the neck, both sixteen year old girls seem to be concerned by this behaviour and make it clear that this person's behaviour is not wanted. This male then puts his arm around one of the sixteen year old girls and she almost immediately pulls away from him. After this the group continue to dance, but seem to deliberately try to exclude this male. No members of staff pick up on this behaviour and so no action is taken to deal with this male or protect the women.

We have also looked at the incident report book from the Cocktail Club which show an alarming number of female customers being harassed by men. The vast majority of these complaints are made by female customers to staff, yet the staff have failed to contact police.

Harassment of female customers – as recorded in security log

26 November 2022 at 01:15am

Sexual behaviour inside the venue. Final warning issued'

3rd December 2022 - Time unknown

Sexual harassment complain. Conflict management'

3rd December 2022 - Time unknown

Sexual harassment complain. Final warning'

2nd December 2022 at 01:48am

1 male guest being disorderly disturbing bar staff, - Final warning issued.

Later on harassing women, being intoxicated, eviction and banned from the venue.

Undated – 01:19

A female guest informed me that a male guest keeps harassing female guests inside the venue. After investigation, the male guest was intoxicated while disturbing women the whole time. I requested the guest to leave assisted by his friends. Guest cooperated'.

Undated – 01:16

2 female guests informed me that there is a male guest harassing women inside the venue. Investigation made. Male guest apologised and cooperated'.

Incidents recorded within incident log (Other incidents):

26 November 2022 at 01:45am

Male guest intoxicated struggling to come out the disabled toilets. Eviction'

30th November 2022 time unknown

Non co-operative male guest – evicted

30th November 2022 time unknown

Male guest using female toilet – evicted

30th November 2022 time unknown

Intoxicated male guest - evicted

2nd December 2022 at 7:55pm

3 female guests being disorderly, walking and running inside the venue without shoes while being intoxicated. Eviction made after several warning issued.'

Undated – 00:20

Bar staff informed me that two IC1 males were becoming aggressive to wards bar staff – Evicted

Undated – 02:00

'IC1 female intoxicated. Requested her friends to assist her and leave the premises'

Undated – 00:55

Female guest intoxicated vomiting in the smoking terrace area. Informed barback and requested the guest to leave. Assisted by her friends'

Undated – 01:26

Male guest intoxicated sleeping on the sofa in the smoking terrace area. Request to leave. Guest cooperated'

Undated – 01:31

IC1 male intox, request to leave. Guest cooperated'

Undated – 02:00

IC4 male harassing guest while being aggressive, canary wharf security called. IC4 male removed from the area.'

Undated – 23:57

Female guest intoxicated. I requested her to leave assisted by her friends'.

Incident recorded in refusal log – After Police Licensing Visit

12th December 2022 – 'Asked to leave venue as they were getting other customers to buy them drinks after being told they weren't being served for being too drunk'.

17th December 2022 – 'Customers struggled to maintain balance when ordering so we refused'.

18th December 2022 (7:30PM) – 'Customer struggled to form simple sentences'.

22nd December 2022 – 'Intoxicated signs, inability to balance, difficulty to put a sentence'.

28th December 2022 – 'Slurring speech, difficulty to balance, dropped a glass'.

Conclusion

At the time of this incident the Cocktail Club had been open for around six weeks, and they have allowed a group of young people including two sixteen year old girls to come into the venue to buy and drink alcohol. In less than 30 minutes after entering the premises one of the 16 year olds has consumed so much alcohol that she is sick inside the club, and nothing happens. The group are allowed to continue to buy and drink alcohol in the venue for over five hours, and again nothing happens, no intervention from staff or management.

Following our investigation we believe the venue has been allowing other underage people to drink alcohol inside. If the premises is failing in the most basic of requirements then we have no confidence they can or will abide by any conditions this committee sees fit to impose.

Our second concern is the amount of incidents which have taken place within a short period; from reviewing incident logs there seems to be very concerning pattern of sexual harassment taken place with very little action taken by staff at the venue. At no point were the Police contacted about these harassment complaints, meaning we have lost an opportunity to engage with the victims and tackle the actions of those committing these potential offenses.

Also linked to this sexual harassment is the amount of customers who are allowed to get drunk to the point of stupefaction, this is demonstrated within the venues own incident logs which shows individuals being unable to stand due to the sheer amount of alcohol consumed or even more concerning being unable to form simple sentences. No care appears to of been offered to these customers, no concern for their welfare.

All the above have happened despite the management and staff having completed WAVE training so the need to protect vulnerable customers should have been fresh in their minds.

Central East Police Licensing feel that revocation of the licence is the only course of action that is suitable given both the seriousness and number of failings. They have demonstrated that they cannot be trusted to uphold the licensing objectives. If a venue serves alcohol to 16 year old children, and does nothing about a clear pattern of harassment against women and girls then no amount of conditions are going to change the risk they pose. They have demonstrated that they are incapable of following such conditions, such is the culture of the venue. We therefore ask that the

... l. ... s revoked.

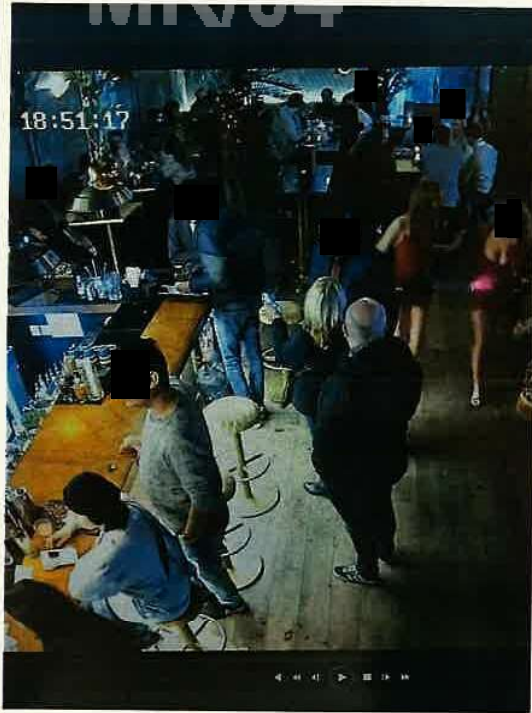


MR/02



MR/03





MR/05





\\FNVDCNSDH01\homefoldersFS212\p239837\My Documents\Licensing 2022\Enforcement\Review of Premises
Licence The Cocktail Club Cabot Sq.doc



MR/08

Please provide as much information as possible to support the application (please read guidance note 2)

Included above

Have you made an application for review relating to this premises before

Please tick yes

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

N/A

res to the responsible authorities

Understand that if I do not comply with the above requirements my application will be

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5

Part 3 – Signatures (please read guidance note 3)

Signature of the applicant
Signature of the licensee



Capacity Police Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

- 1 The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

Appendix 2



Lic No:
146190

**London Cocktail Club
9 Cabot Square
London
E14 4EB**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late-night refreshment
The provision of regulated entertainment consisting of Live and Recorded Music & performance of dance (Indoors)

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 21st March 2022

OFFICE USE	Receipt No: 463895	Paid: 1905.00	Date: 4/2/2022
-------------------	-----------------------	------------------	-------------------

Part A - Format of premises licence

Premises licence number

146190

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

9 Cabot Square

Post town

London

Post code

E14 4EB

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of late-night refreshment

The provision of regulated entertainment consisting of Live and Recorded Music & performance of dance (Indoors)

The times the licence authorises the carrying out of licensable activities

Regulated Entertainment Live and Recorded Music & performance of dance (Indoors)

Monday to Sunday from 10:00 hours to 02:00 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD
On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

Late Night Refreshment (Indoors and outdoors for external area and not for deliveries)

Monday to Sunday from 23:00 hours to 02:00 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

Sale of Alcohol (on and off sales for external area use only not for deliveries)

Monday to Sunday from 10:00 hours to 02:00 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD
On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

The opening hours of the premises

Monday to Sunday from 10:00 hours to 02:30 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and off sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The London Cocktail Club Limited
224a Shaftesbury Avenue
London WC2H 8EB

Registered number of holder, for example company number, charity number (where applicable)

07438012

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Simon Charles Kennington

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: [REDACTED]
Issuing authority: [REDACTED]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (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)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (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—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must 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;
 - (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.

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.
 2. For the purposes of the condition set out in paragraph 1—
 - (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 —

$$P = D + (D \times V)$$
 where —
 - (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
 - (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
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

The following only applies to a premises which has a condition requiring door supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Annex 2 - Conditions consistent with the operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
4. Food and non-alcoholic beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly

6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the locality and leave the area quietly.
7. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. The area immediately outside the premises shall be swept or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangement.
9. There shall be no striptease or nudity and all persons shall be decently attired at all times.
10. There should be no designated dance floor.
11. Waiter/waitress service shall be available at all times
12. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. A minimum of two SIA door staff shall be employed at the premises from 10:00 PM until closing on Fridays and Saturdays.
14. A minimum of one SIA door staff shall be employed at the premises from 10:00 PM until closing on Thursdays.
15. Off sales shall only be sold for consumption in the outside area shown on the proposed licencing plans which shall be monitored by staff at all times
16. The venue is to provide information on local taxi firms and transport links to patrons leaving the venue upon request.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

19. A register of security personnel employed on the premises shall be maintained in a legible format, and made available to police upon reasonable request. The register should be completed by the DPS/duty manager/nominated staff member at the commencement of work by each member of security staff, and details recorded should include full name, SIA badge number, contact details and time of commencement of duties. The security operative should then sign their name against these details.
20. The premises licence holder shall ensure that all door supervisors employed at the premises wear a current identification badge. Issued by the security industry authority, in a conspicuous position to the front of their upper body.
21. All Staff responsible for selling alcohol shall receive regular training in the licensing act 2003 in terms of the licensing objectives, offences committed under the act and conditions of the premises licence. Written records of staff training in relation to the licensing act 2003 shall be retained and made available to police and authorised officers of the licensing authority on reasonable request.
22. The premises may remain open for the sale of alcohol regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. On the morning that Greenwich mean time changes to British summertime one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and all closing hour for the premises ends after 01:00 hours

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:



Part B - Premises licence summary

Premises licence number

146190

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

9 Cabot Square

Post town

London

Post code

E14 4EB

Telephone number

07525711530

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
The provision of regulated entertainment consisting of of Live and Recorded Music & performance of dance (Indoors)

The times the licence authorises the carrying out of licensable activities

Regulated Entertainment Live and Recorded Music & performance of dance (Indoors)

Monday to Sunday from 10:00 hours to 02:00 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

Late Night Refreshment (Indoors and outdoors for external area and not for deliveries)

Monday to Sunday from 23:00 hours to 02:00 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

Sale of Alcohol (on and off sales for external area use only not for deliveries)

Monday to Sunday from 10:00 hours to 02:00 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

The opening hours of the premises

Monday to Sunday from 10:00 hours to 02:30 hours

Non-Standard Timings

NYE- from the end of permitted hours to the start of permitted hours on NYD
On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00

Name, (registered) address of holder of premises licence

The London Cocktail Club Limited
224a Shaftesbury Avenue
London WC2H 8EB

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and off sales

Registered number of holder, for example company number, charity number (where applicable)

07438012

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

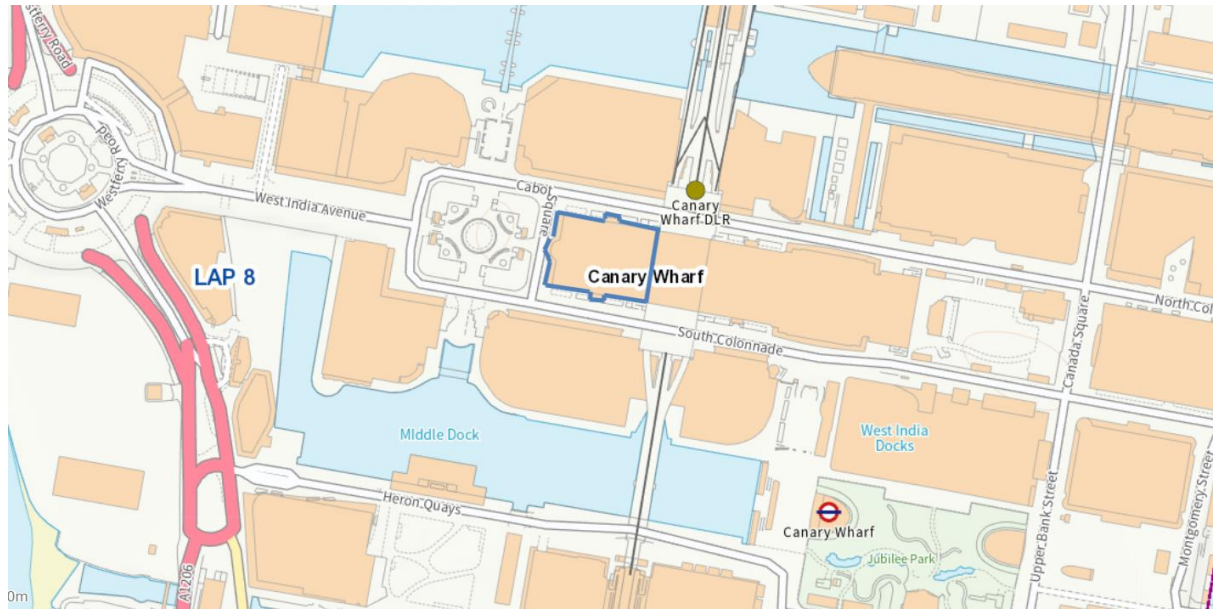
Simon Charles Kennington

State whether access to the premises by children is restricted or prohibited

No restrictions

Appendix 3

9 Cabot Square – Map of Surrounding Area



Appendix 4

Lavine Miller-Johnson

From: Licensing
Sent: 27 February 2023 10:09
To: Lavine Miller-Johnson
Subject: FW: London Cocktail Club 9 Cabot Square london E14 4EB MA/156974

Follow Up Flag: Follow up
Flag Status: Flagged

From: Giuseppe Talio, Iberica [REDACTED]
Sent: 25 February 2023 17:53
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Gabriella Szalai, Iberica [REDACTED]
Subject: London Cocktail Club 9 Cabot Square london E14 4EB MA/156974

To Whom it May Concern,

My name is Giuseppe Talio, General Manager for Iberica Restaurants, [REDACTED] neighbour of the upper mentioned Cocktail Club.

Since they opened, as a business we never had any issues with them.

Members of my staff are visiting them as guests regularly and they never reported anything wrong about the Club.

I've been working here for a month more or less but My assistant manager Gabriella Szalai, who has been working in the restaurant for 5 months also never experienced any problem regarding the Cocktail Club, they are always very helpful towards us.

Yours sincerely,

Giuseppe Talio
General manager
IBERICA RESTAURANTS

Appendix 5

Lavine Miller-Johnson

From: Licensing
Sent: 23 February 2023 17:25
To: Lavine Miller-Johnson
Subject: FW: London Cocktail Club 9 Cabot Square London E14 4EB MA/ 156974

Follow Up Flag: Follow up
Flag Status: Flagged

From: Sophie Cann [REDACTED]
Sent: 23 February 2023 15:55
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: London Cocktail Club 9 Cabot Square London E14 4EB MA/ 156974

To Whom It May Concern,

I am writing to provide a testimonial for London Cocktail Club Canary Wharf.

I am a Senior Account Manager at Venue Search London (Story Events) we have a long standing relationship with the venue group.

I have always had a safe, diligent, and professional experience when working with the London Cocktail Club Canary Wharf and their wider venue group.

If you require any further specific detail or information regarding my professional relationship with the venue, please don't hesitate to reach me.

Kind Regards,

Sophie Cann

Sophie Cann *she/her* | Senior Account Manager



[REDACTED]
W: <http://www.venuesearchlondon.com>

A [REDACTED]



This message is intended for the named recipient only. It may contain privileged and/or confidential information. If you are not the intended recipient, you must not copy, distribute or take any action in respect of it. If you have received this message in error, please telephone the sender. All material © Venue Search London Ltd 2023. Registered in England and Wales as Venue Search London Ltd. under company number 13972065 at Middle End Barn, Leckhampstead, Buckinghamshire, MK18 5NS.

Appendix 6

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise the review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or
- Revised Guidance issued under section 182 of the Licensing Act 2003 | 91

certificate was granted; or

- representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - 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;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- 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.

11.28 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 the 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.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 7

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated December 2022

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

Appendix 8

Licensing Policy, updated November 2018

Crime and Disorder

- 7.1 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 and to store prescribed information.
- 7.2 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 licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 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.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 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 the Secretary of State's Guidance.
- 7.6 **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.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 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.

7.8 **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 Code of Practice. 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 in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - 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:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- 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;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- 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.

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.

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 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 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>.

Smuggled goods

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

- 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 to provide traceability.
- 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.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 9

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated December 2022

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition 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 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 10

Protection of children from harm

- 10.1 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. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 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.
- 10.5 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, Fixed Penalty Notices (FPNs) or formal cautions 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.
- 10.6 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.
- 10.7 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.
- 10.8 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.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin 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.
- 10.10 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. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 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.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 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.
- 11.2 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.
- 11.3 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.

12 Children and Public Entertainment

- 12.1 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.
- 12.2 Where 10.1 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.
- 12.3 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.

- 12.4 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 that can be found in the Secretary of State's Guidance.