

The London Borough of Tower Hamlets  
**STATEMENT OF  
LICENSING POLICY**  
2023 – 2028

Effective 1<sup>st</sup> November 2023

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## Background and Context

This Policy should be read in conjunction with:

**The Licensing Act 2003 available** from <http://www.legislation.gov.uk/ukpga/2003/17/contents> or by telephoning +44 (0)333 202 507.

**Government Guidance under Section 182 of the Licensing Act 2003:** available on the website [www.gov.uk](http://www.gov.uk) or by telephoning 020 7035 4848.

**Tower Hamlets guidance documents on making applications under the Licensing Act 2003** available from <http://www.towerhamlets.gov.uk/licensing> or available from the Licensing Service on 020 7364 5008.

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

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

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

The Plan has 8 priorities and is the council's main plan, which details the most important priorities for the council between 2022 and 2026. These priorities are translated from the Mayor's vision into the strategic Plan.

You will find there is more detailed information about the eight priorities: [https://www.towerhamlets.gov.uk/lgn/community\\_and\\_living/community\\_plan/strategic\\_plan.aspx](https://www.towerhamlets.gov.uk/lgn/community_and_living/community_plan/strategic_plan.aspx)

## 1 Introduction

- 1.1 The London Borough of Tower Hamlets is the Licensing Authority under the Licensing Act 2003 (the Act). It is responsible for granting premises licences; club premises certificates; temporary events notices, in respect of the provision of licensable activities; and personal licences in the Borough.

The term 'Licensing Authority' will be used in all future references to 'the London Borough of Tower Hamlets' in this Statement of Licensing Policy.

All references to the Secretary of State's Guidance relate the statutory guidance published by the Home Office under section 182 of the Act in December 2022. A copy of this version is available at [www.gov.uk](http://www.gov.uk).

- 1.2 This policy is intended to provide clarity to applicants, 'other persons' and 'responsible authorities' on how this Licensing Authority will determine applications for the following licensable activities:
- Retail sale of alcohol
  - Supply of alcohol to club members
  - Provision of regulated entertainment (as defined in Schedule 1 of the Act)
  - Supply of hot food and / or drink between 23:00 and 05:00 hours

## 2 The Policy

- 2.1 This 'Statement of Licensing Policy' was prepared in accordance with the provisions of the Act and having had regard to the Secretary of State's Guidance issued under Section 182 of the Act.
- 2.2 The 2003 Act requires that the Licensing Authority, after consultation, adopts and publishes a "Statement of Licensing Policy" that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. It is a requirement that this Policy is reviewed at least every five years. The Licensing Authority will apply the standards and policies set out in this Statement unless good reason exists not to do so. Each application will nonetheless be considered individually on its merits and both applicants and those making relevant representations will be treated fairly and objectively.

### **3 Consultation**

- 3.1 Before publishing this revised Policy Statement, the Licensing Authority has consulted those parties specified in Section 5(3) of the Licensing Act 2003, which are:
- the Chief Officer of Police,
  - the London Fire Brigade,
  - Director of Public Health within Tower Hamlets
  - representatives of holders of existing Premises Licences, Personal Licences and Club Premises Certificates in the Borough
  - such other persons considered to be representatives of business and residents in the area.

The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.

- 3.2 The Licensing Authority will ensure that its consultation is broadly based, available on the internet, and the responsible authorities as well as wide range of community, public, welfare and religious organisations, and other key stakeholders are consulted.
- 3.3 The Licensing Authority will give due weight to the views of all the persons / bodies consulted before the Policy Statement is agreed and implemented.
- 3.4 The Licensing Authority undertakes to involve the Tower Hamlets Community Safety Partnership (or equivalent organisation) in policy development and review.
- 3.5 All major reviews will be broadly based, as well as complying with statutory requirements.

### **4 Equality and Inclusion in Licensed Venues**

- 4.1 As per Tower Hamlets Equality Policy, we want Tower Hamlets to be a place where people have equal access to opportunities and where inequality is actively tackled. Tower Hamlets Equality Policy recognises that this can only be done by working with our partners to advance equality, promote good community relations and tackle discrimination. The Council believes that diversity of our community is one of our greatest strengths and assets. We value the strength that comes with difference and the positive contribution that diversity brings to our community. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work, and visit the borough. The Equality Policy seeks to embed equality throughout the council's plans, services, and activities to ensure it is a key driver for everything we do. As a Licensing Authority we want to do all that we can do to ensure our borough is open and accessible to all.

4.2 It is unlawful for any venue to discriminate against anyone based on race, sex, sexual orientation, age, or any of the protected characteristics under the Equality Act 2010. In our view equality and inclusion extends beyond this definition within the 2010 Act. Any type of discrimination be it intentional or subconscious is inherently damaging for the individual, our wider community, and our economy. Moreover, it actively harms the interests of licensed premises and the licensed industry.

4.3 Tower Hamlets is a diverse and culturally rich borough. It is a microcosm of London and has the fastest population growth in the country because we are a very special place and people want to live and work here. We have always been a gateway for people of all backgrounds to come and better themselves. As part of London's east end, we are enriched by the significant contributions made by a diversity of communities and migrant groups and boast a proud history of collective action against racism and bigotry. Altab Ali Park is an iconic area in the borough that speaks to the richness of this history. Yet, it is only one of the many Parks that has historical importance within the borough, many of which are often used to host small community events to large music festivals. We want to celebrate and build on this, which means we need to hold ourselves, as well as the venues and businesses we licence to account to ensure that together we continue to promote and offer equal opportunities and inclusive experiences for everyone.

#### 4.4 Duties as a License Holder to Equality

Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website. The 2010 Act makes discrimination against any person (including employees and customers) unlawful. The 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Any activity in breach of the 2010 Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

As part of Tower Hamlets No Place for Hate (NPFH) Campaign we would encourage all licence holders and new applicants to sign our Organisational pledge against hate. Organisations who sign this pledge are published on the website. This helps promote equality within our borough.

[https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/community\\_safety\\_crime\\_preve/hate\\_crime/organisational\\_pledge.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/hate_crime/organisational_pledge.aspx)

#### 4.5 Public Sector Equality Duty

The Council must have regard to its public sector equality duty under the 2010 Act.

In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### 4.6 Expectation on Licence holders and applicants to equality and inclusivity

There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:

- Inclusive and transparent policies (for example, admittance policies may clearly stipulate adherence to a dress code and refusal if there are concerns about a customer; however, they must not prevent admittance based on any of the protected characteristics).
- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff, which is regularly refreshed.

#### 4.7 Using the Licensing Process to promote equality and inclusivity

This Authority will use the Licensing Process to ensure both Operators and the Council are compliant in carrying out their legal obligations. This includes:

- Determining licensing applications and reviews.
- Making representations as a responsible authority.
- Applying for reviews in appropriate circumstances.
- Defending appeal decisions

In essence this means that the Council through this licensing process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

#### 4.8 Tower Hamlets Commitment to Equality and Inclusivity

Over the duration of this Statement of Licensing Policy Tower Hamlets as a Licensing Authority will:

- Ensure that any strategy or policy affecting the licensed industry is always underpinned by the promotion of equality and inclusivity.
- Provide where possible advice and support to Licence Holders and Applicants on promoting equality and inclusivity by signposting them to internal and external bodies that can provide expert guidance.

## 5 Main Principles of the Licensing Policy

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

#### 5.2 *The prevention of crime and disorder*

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

#### 5.3 *Public safety*

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

#### 5.4 *The prevention of public nuisance*

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

#### 5.5 *The protection of children from harm*

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



- 5.6 All of the Policy and its implementation must be consistent with those four objectives.
- 5.7 Nothing in the Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits and / or override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 5.8 Licensing is about regulating licensable activities of licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The conditions attached to licences and / or Temporary Event Notifications will be focused on matters that are within the control of individual licensees.
- 5.9 In relation to all applications where the Licensing Authority's discretion is engaged it will consider the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.
- 5.10 The Police Reform and Social Responsibility Act introduced the provision for the licensing authority to make representations. The Licensing Authority will not make representations that should be made by another responsible authority. The Licensing Authority may wish to make representations on its own account when they could include bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance, represent breaches of licence conditions only observed by licensing officers or which undermines the licensing objectives.
- 5.11 If representations are made by a "responsible authority" or other persons the application will be determined by the Licensing Sub-Committee. In making decisions on licence applications, the Licensing Sub-Committee will have regard to the Act and relevant Regulations, the Secretary of State's Guidance, and this Statement of Licensing Policy. Where this occurs the Licensing Authority's discretion is engaged and it may insert conditions such as ones detailed further on in this policy.
- 5.12 Where no representations are made the application will be granted subject only to the mandatory conditions and conditions that are consistent with the applicant's operating schedule.

- 5.13 This Licensing Authority will ensure that any conditions added to a licence/authorisation are enforceable and proportionate and are consistent with the general principles for licence conditions detailed the Secretary of State's Guidance. We encourage applicants' responsible authorities and other persons to have regard to this Guidance when considering additional conditions. We also encourage the use of words such as "must", "shall" and "will" when deciding the wording of any condition.
- 5.14 Licensing laws are not the primary method of for general control of nuisance and anti-social behaviour by individuals once they are away from any licensed premises, thus being beyond the direct control of the Licensee/Certificate holder or holder of any other such authorisation (e.g. Temporary Event Notice). However, it is a key aspect of control and licensing laws will always be part of an overall approach to the management of the evening and night time economy.
- 5.15 In this respect, the Licensing Authority recognises that, apart from the licensing function, (and issues around cumulative effect) there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including (the list is not exhaustive):
- planning controls
  - ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
  - designation of parts of the Borough as places where alcohol may not be consumed publicly
  - regularly liaison with Borough Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
  - the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate

- 5.16 Given the restrictions placed upon the licensed trade during the pandemic we recognise the importance and positive benefits that the licensed trade brings to the Borough. This includes not just social benefits for customers, but jobs and associated regeneration, as well as the benefits to the arts in respect to music, dance and other entertainment, all of which celebrates the rich mixture of cultural diversity and creativity that exists within Tower Hamlets.
- 5.17 Applicants for authorisations/permissions (e.g. premises licence etc.) under the Licensing Act 2003 must carry out the required statutory consultation with local residents. This statutory consultation requires an advertisement of the application in a local paper and the display of a pale blue notice on the premises. Failure to adhere to the statutory consultation will result in an invalid application and/or extension of the statutory consultation period.
- 5.18 A list of responsible authorities can be found in Appendix 1. However, an up to date list of Responsible Authorities with contact details can be found here:  
[https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol\\_and\\_entertainment/Responsible-Authorities.aspx](https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/Responsible-Authorities.aspx)
- 5.19 Following consultation, the Licensing Authority decided it will contact all residents and businesses within 40 meters of the applicant's premises, where the application is for a new club or premises licence or its variation. The consultation will be strictly neutral and will repeat the information required in the statutory notification.
- 5.20 For larger events and premises of a capacity of more than 1000 persons the Council will carry out a reasonable and relevant level of consultation with local residents and businesses.
- 5.21 In respect of paragraphs 5.19 and 5.20 above, should the Licensing Authority, in the unlikely event, fail to carry out the voluntary consultation within the statutory consultation period, this will not be grounds for refusing or delaying any application. The Licensing Authority can only refuse or delay (restart the consultation period) where it receives an invalid application or where the applicant fails to comply with the statutory consultation requirements.

## **6 The Licensing Authority as a Responsible Authority**

- 6.1 The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.

- 6.2 The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.
- 6.3 The Council as a Licensing Authority is not expected to act as a Responsible Authority on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 6.4 It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 6.5 The 2003 Act enables the Council as a licensing authorities to act as a responsible authority as a means of early intervention; it may do so where it considers it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 6.6 The Council recognises that in cases where it as the licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest.
- 6.7 The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different individual to the officer who is acting for the responsible authority.

- 6.8 The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing.
- 6.9 At the outset, of an application, or another licensing process a Licensing Officer in the Licensing Team will be allocated to act as the Licensing authority acting as a responsible authority. This licensing officer is not involved in the application process but sets up a separate record to consider the application for the authority in its capacity as responsible authority, engaging with other responsible authorities where appropriate and determining whether the authority acting as a responsible authority wants to make a representation. In certain circumstances the officer acting for the Licensing Authority as a Responsible Authority will be an officer from another team.

## **7 Home Office as a Responsible Authority**

- 7.1 From 6<sup>th</sup> April 2017 the provisions of Immigration Act 2016 which relate to Licensing became effective. These provisions amend the Licensing Act 2003 making the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. For contact details please see the list of Responsible Authorities in Appendix 1.

When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

- 7.2 From 6<sup>th</sup> April 2017 Licensing Authorities will check the eligibility to work for those applying for personal licences and premises licences (where the applicant is an individual) for the sale of alcohol and late night refreshment (hot food or drink between 23:00 and 05:00 hours).

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

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

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

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

7.4 The application for personal and premises licences must submit one of the documents listed in Annex A of the Home Office's Employer right to work checks supporting guidance (<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>) with their application, to show that they have the right to work in the UK and to undertake work in a licensable activity. Applicants may provide photocopies or scanned copies of the documents, which do not need to be endorsed as a copy of the original. Applicants are not required to submit original copies of documents. As an alternative to using one of the documents listed in the above guidance, applicants may choose to demonstrate their right to work by allowing this Licensing Authority to carry out a check with the Home Office online right to work checking service. As a result, we invite applicants to provide their shared code in their application. This code along with the applicant's date of birth allows this Licensing Authority to check their immigration status via the online service (<https://www.gov.uk/view-right-to-work>).

7.5 Where an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.

7.6 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder's permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.

7.7 The Home Office as a Responsible Authority may request a review of a licence,

where a licence is prejudicial to the prevention of illegal working. This may be as a result of:

- An enforcement operation or data sharing that identifies a relevant offence,
- The issue of a civil penalty for employing illegal workers,
- The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.

## **8 Representations by “Other Persons”**

8.1 Other person includes any individual, body or business.

8.2 Representations against or for an application must be in writing, either by post or email. For it to be considered as a valid representation it must:

- a) Be “relevant”, in that it states the reasons for making the representation, which must include how the proposed licence will have an effect or potential effect of the on one or more of the four licensing objectives (see section 5 above),
- b) Include name and full postal address of the person making the representation (Anonymous representations will not be accepted).
- c) Not be frivolous or vexatious (i.e. concerns issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate; or appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification).

8.3 Other persons can also request a representative to make the representation on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, or a local councillor who can all act in such a capacity. In such cases all dialogue and correspondence will be with the Representative.

8.4 Representations and Disclosure of personal details

Once a valid representation is received unless it is withdrawn by the person/body etc. making the representation the decision on whether to grant the licence/authorisation must be referred to the Licensing Sub-Committee. The Licensing Authority when giving a notice of a hearing to an applicant, is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant



with copies of the relevant representations that have been made.

The Licensing Authority must provide all representations to the applicant unredacted as required by the above legislation. The only exception to this is where licensing authorities consider that the person who has made the representation has a genuine and well-founded fear of intimidation. In such circumstances the Licensing Authority will follow the Secretary of State's Guidance and the House of Commons Briefing Paper, dated 6<sup>th</sup> July 2018: Alcohol: objecting to a licence. In these circumstances the Licensing Authority may decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action.

## **9 Crime and Disorder**

- 9.1 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.
- 9.2 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. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.

- 9.6 **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.
- 9.7 **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 conditions from our model conditions in appendix 2, to prohibit 'touting':-

- 9.8 **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.
- 9.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

- 9.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police’s definition of drink spiking:

“Spiking is where someone adds drugs or alcohol to another person’s drink without them knowing, it is illegal.”

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

<https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises->

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

- 9.11 **Welfare and Vulnerability** – This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.

- 9.12 **Sexual Harassment in the Night Time Economy** – sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London’s Women’s Night Safety Charter:

<https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter>

As well as the Women's Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council's Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

9.13 **Party Boats** – An increasing number of complaints have been received in London Boroughs that border the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

9.14 **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.

- 9.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 9.16 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>.
- 9.17 **Smuggled Goods** – The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 9.18 **Olympic Park (Football Ground)** – Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park – Football Ground conditions in our Model Conditions in appendix 3.

## 10 Public Safety

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

- 10.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 10.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 10.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
- Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
  - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.
- The Licensing Authority may be able to sign post Licence Holders in regard to local/national safeguarding schemes which may assist with the above.
- 10.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 10.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.
- 10.7 Martyn's Law – This will place a requirement on those responsible for certain locations/premises to consider the threat from terrorism and implement appropriate and proportionate mitigation measures, see link below. Numerous licensed premises within the borough may fall within the scope of this legislation. The law is likely to come into force in 2024/25, or sooner. Thus, Licence holders and applicants should consider the threat from terrorism and implement appropriate and proportionate mitigation measures. In particular they should consider completing Police ACT Training: <https://ct.protectuk.police.uk/>

<https://www.protectuk.police.uk/news-views/martyns-law-what-you-need-know>

## 11 Prevention of Public Nuisance

- 11.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 11.2 Like many London boroughs, Tower Hamlets has many areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
- a) Music/performances  
Measures to reduce impact of noise on residents
  - b) Queue management  
Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
  - c) Ingress and Egress  
Measure to prevent people noise during ingress and egress
  - d) Use of outside areas (see 11.7 below)
  - e) Deliveries, particularly pick-ups by vehicles  
Measures to prevent noise/fumes from engines, drivers (including smoking),
  - f) Bottle disposal  
Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
  - g) Litter  
Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose intended use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls

outside the scope of any exceptions to such CIAs.

- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.
- 11.6 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 11.7 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase in the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough from being unduly disturbed by the night time economy. Hence, we would encourage applicants to address this concern in their operating schedule by detailing what mitigating measures they intend to adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
- limiting the amount of patrons permitted in the outside area, and/or,
  - restricting the use of areas after a certain time,
  - ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of persons permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.



- 11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that border the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the “Boat” conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

## 12 Prevention of Harm to Children

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.



12.5 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.

12.6 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.

12.7 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.

12.8 The Act details several 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.

- 12.9 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.
- 12.10 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.
- 12.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safeguarding of children in connection with a licensed premises. This may include consideration of applying for a review of the licence where there is significant evidence of undermining the licensing objective of the protection of children from harm.
- 12.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate 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.
- 12.13 Where its discretion is engaged this Licensing Authority will consider refusal/revocation in the first instance where test purchases have found venues selling age restricted products to children.
- 12.14 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.

- 12.15 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.
- 12.16 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose “Challenge 25” conditions from our model conditions in appendix 3.
- 12.17 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the “Online Deliveries” conditions from model conditions in appendix 3 to ensure adequate age verification systems.

### **13 Access to Cinemas**

- 13.1 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.
- 13.2 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.

### **14 Children and Public Entertainment**

- 14.1 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.
- 14.2 Where 12.1 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.

- 14.3 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.
- 14.4 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.

## **15 Health Considerations of Licensing**

- 15.1 Excess alcohol consumption can lead to a wide range of personal health related harms which are well documented in both the Alcohol Joint Strategic Needs Assessment factsheet and Tower Hamlets Substance Misuse Strategy. The short-term negative health effects of hazardous drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents, while regular alcohol consumption can lead to heart disease, stroke, liver disease, stomach damage and certain types of cancer. Although these are important personal health related harms, they, by and large, fall outside the scope of the four licensing objectives as defined in the Licensing Act.
- 15.2 However, the consequences of drinking go far beyond the individual drinker's health and well-being. They include harm to the unborn fetus, acts of drunken violence, vandalism, sexual assault and child abuse, and a huge health burden carried by both the NHS and friends and family who care for those damaged by alcohol. Many of these affects are relevant to the licensing regime.
- 15.3 The short-term negative health effects of harmful drinking can include impaired senses, mood or personality changes, loss of consciousness and an increased risk of injury and accidents.

## **16 Licensing Hours**

- 16.1 This Part of the Policy Statement details the Licensing Authority's approach to licensing hours. It states the reasons for the policy and identifies the issues the Licensing Authority will take into account when considering applications during the framework hours. This only applies where the Licensing Authority's is engaged.
- 16.2 The policy set out in this Part applies to applications for:-
  - a new premises licence;

- a new club premises certificate;
- variation of a converted premises licence;
- variation of an existing premises licence;
- variation of a converted club registration certificate; and
- variation of an existing club premises certificate where relevant representations are made.

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

16.4 Any condition setting out the hours of premises refers to the hours during which alcohol may be sold or supplied, or (as appropriate) the hours during which other licensable activities may take place pursuant to the premises licence or club premises certificate. In attaching conditions on hours, the Licensing Authority will generally require that customers should not be allowed to remain on the premises later than half an hour (30 minutes) after the cessation of licensable activities.

16.5 Tower Hamlets has a number of licensed venues that already have extended licensing hours. It also borders other London councils that have high concentrations of licensed premises including premises with extended licensing hours.

16.6 The Licensing Authority considers that the possibility of disturbance to residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a proper matter for it to consider when addressing the hours during which licensable activities may be undertaken.

16.7 The Licensing Authority is concerned to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning. For these reasons, applications to carry on licensable activities at any time outside the framework hours will be considered on their own merits with particular regard to the matters set out in the Policy section below.

16.8 The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.

- Sunday – 06:00 hours to 22:30 hours

- Monday to Thursday – 06:00 hours to 23:30 hours
- Friday and Saturday – 06:00 hours to 00:00 hours (midnight)

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

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

16.9 Applicants who apply for authorisation to carry on licensable activities, throughout the entirety of the hours outside the framework hours, when they do not intend to operate at these times run a risk that Responsible Authorities and interested parties may be more inclined, than they might otherwise be, to make relevant representations about the application.

Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when considering applications to carry on licensable activities outside the framework hours. Subject to any relevant representations that may be made to the contrary in individual cases, premises where the following licensable activities are authorised are not considered to make a significant contribution to the problems of late-night antisocial behaviour, and as such these premises will generally have greater freedom to operate outside the framework hours. These premises are:-

- Theatres,
- Cinemas,

- Premises with a club premises certificate.

16.10 In addition, and in relation to all applications, whatever the hours applied for where its discretion is engaged, the Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents.

16.11 Where a negative impact is likely on local residents or businesses it is expected that the applicants' operating schedule will describe how this impact will be minimised.

## 17 Shops, Stores and Supermarkets

17.1 The Licensing Authority will generally licence shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.

17.2 However, where the Licensing Authority's discretion is engaged, it may consider restricting those hours in order to promote the licensing objectives. For example, where representations provide evidence of crime and disorder, or public nuisance linked to the premises.

17.3 **Psychoactive Substances, e.g. Nitrous Oxide (NOx)** – Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

17.4 Where its discretion is engaged this Licensing Authority will consider refusal/revocation in the first instance where there is evidence that a shop, supermarket, or store is or has been selling Psychoactive Substances.

## 18 Integrating Strategies and Avoiding Duplication

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

- Local crime prevention,
- Planning,
- Transport,
- Tourism,
- Cultural strategies,



- The night time economy.
- 18.2 The Licensing Authority will set up multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism, cultural and night time economy strategies.
- 18.3 The Licensing Authority will arrange for protocols with the Borough Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from relevant venues in the Borough.
- 18.4 Arrangements will be made for the Licensing Committees to receive reports on the following matters to ensure these are reflected in their decisions:
- The needs of the local tourist economy and cultural strategy for the Borough, and
  - The employment situation in the Borough and the need for investment and employment where appropriate,
  - The night time economy, its economic contribution to the Borough and the Council's strategy for its development and management. As the Council develops its policy towards the night time economy, through Community Plans or Town Centre Plans and Core Strategies, otherwise the Licensing Policy will be reviewed as necessary.
- 18.5 Licensing and Planning are two separate regimes. As a matter of law the Licensing Authority could not refuse an application because of the absence of appropriate planning consent. However, the Licensing Authority would generally expect applicants to have planning and other permissions required for lawful operation of the premises in place at the time of the licensing application.
- 18.6 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 18.7 The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 18.8 There are also circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the



earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

- 18.9 Applicants for new premise or club licences or variations of them are advised to consult the London Borough of Tower Hamlets' Planning Authority about any planning restrictions which may apply to their premises. The Planning website is
- 18.10 The responsible authorities are committed to avoid duplication with other regulatory regimes and the control measures contained in any conditions which are provided for in other legislation. This Policy does not intend to duplicate existing legislation and regulatory regimes that are already places obligations on employers and operators.
- 18.11 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.
- 18.12 Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.
- 18.13 Guidance has been introduced in relation to:
- the EMRO process
  - the evidence base
  - introducing an EMRO
  - advertising an EMRO
  - dealing with representations
  - hearings
  - implementation
  - limitations
  - enforcement
- 18.14 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour.
- 18.15 The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 18.16 The only exemptions relating to EMROs are New Year's Eve and the provision of

alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

- 18.17 The decision to implement an EMRO should be evidence based and licensing authorities may wish to outline in the policy the grounds which they will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits. The Licensing Authority reserves the right to introduce an EMRO if it so desires and consultation and evidence from responsible authorities demonstrates the need.
- 18.18 The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.

## 19 Late Night Levy

- 19.1 Following formal consultation in 2017 the Council introduced a Late Night Levy within the borough on 1st January 2018, with the levied hours being midnight to 6am (00:00 to 06:00 hours). The levy is a discretionary power, which this Council has adopted.
- 19.2 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in the following legislation:
- Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2,
  - The Late Night Levy (Application and Administration) Regulations 2012,
  - The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.
- 19.3 The purpose of the levy is to assist local authorities and the police to manage and improve the night time economy. The money raised by the levy can be used for a range of activities and can be given to other agencies where they can assist in the reduction of crime and disorder, promotion of public safety, reduction or prevention of public nuisance, and cleaning of highways or land in the Borough.
- 19.4 The Late Night Levy will be applied in accordance with this Policy, having regard to the governing legislation and Home Office Guidance issued on 24th March 2015 in relation to the Late Night Levy (or any subsequent guidance).
- 19.5 From 1<sup>st</sup> January 2018 holders of premises licences or club premises certificates that are authorised by their licence for the sale/supply of alcohol (on and/or off sales) between the levied hours (00:00 to 06:00 hours) must pay the levy. This will apply whether the hours detailed in such licences for the sale/supply of alcohol are used or not.

For example, where a licence permits the sale/supply of alcohol until 02:00 hours

(i.e. within the levied hours), however the premises closes regularly at 23:30 hours they will still be liable to pay the levy unless eligible for an exemption, see list of exemptions below.

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

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

- 19.7 The Licensing Authority will collect the levy from those premises liable to pay it at the same time as the Premises Licence or Club Premises Certificate annual fee.
- 19.8 Failure to pay the levy will result in suspension of Licence/Certificate until the levy has been paid, and any outstanding money owed can be recovered as a civil deb.
- 19.9 Exemptions from the Levy

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

- a) Premises with overnight accommodation;  
this exemption does not apply if alcohol is served during the late night supply period to members of the public who are not staying overnight,
- b) Theatres and cinemas;  
this exemption only applies if alcohol is served during the late night supply period only for consumption on the premises to ticket holders, participants in the production, or invited guests to private events; they must be bona-fide theatres or cinemas and the sale of alcohol must not be their primary purpose,
- c) Bingo Halls;  
these premises must have licenses under the Gambling Act 2005 and the playing of bingo must be the primary activity,
- d) Community Amateur Sports Clubs;

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

- e) Community premises;  
these must be premises that form part of the church hall, chapel hall, village hall, parish hall, community hall or other similar buildings,
- f) New Year's Eve Premises only,  
this relates to premises which are authorised to sell alcohol between midnight and 6am, ONLY applies on New Year's Day.

19.10 No exemptions will be granted for the following:

- a) Country Village Pubs – this has been decided because it is not relevant to a London Borough such as Tower Hamlets as the definition is pubs that are solely designated in rural settlements with a population less than 3000.
- b) Business Improvement Districts (BIDs) - BIDs are district led partnerships created through ballots process via businesses within the district and operate via a levy charge. There are currently none within the borough.

19.11 Reductions

A 30% reduction of the levy will be given to premises who have achieved accreditation in Best Bar None (BBN) Scheme.

No reduction will be given to premises subject to small business rates relief. This has been decided because these premises receive business rates relief to assist in their viability; however, if they operate in the late night period there is no reason to suggest that they are less likely than similar businesses to contribute to the detrimental effects of the late night economy. Furthermore, due to their rateable value, they are more likely to be liable to the lower levy amounts.

19.12 Temporary Event Notices (TENs)

The levy does not apply to Temporary Event Notifications (TENs).

## 20 Cumulative Effect

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

cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.

20.8 The Licensing Authority will review any special saturation policies every three years to see whether they have had the effect intended, and whether they are still required.

20.9 The Licensing Authority will not use such policies solely:-

- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
- to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits,
- to impose any form of quota.

20.10 The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community.

20.11 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.

## **21 Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area**

21.1 The Licensing Authority's Special Cumulative Impact Policy for Brick Lane and Bethnal Green Areas can be found in appendix 5.

## **22 Sexual Entertainment**

22.1 The Licensing Authority has a separate policy in relation to Sexual Entertainment Venues (SEVs), which can be found in Appendix 4.

## **23 Late Night Refreshments and Deregulation Act 2015**

- 23.1 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Licensing authorities can choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour, disorder associated with the night time economy, or illegal working in licensed premises.
- 23.2 The Licensing Authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
  - petrol stations;
  - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
  - hospitals (except domestic premises);
  - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
  - licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 23.00 and 05.00.
- 23.3 This Licensing Authority has decided it is not appropriate for the reasons of promotion of the licensing objectives to use the exemptions, and it requires all late night refreshment providers to be licensed.

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

- 24.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the desirability of encouraging and promoting live music, dance, theatre and festivals for the wider cultural benefit of the community, particularly for children. This broad strategy includes all forms of licensable live entertainment. The Licensing Authority recognises that a rich cultural provision has a positive role in community cohesion.
- 24.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance these cultural needs with the necessity of promoting the licensing objectives.
- 24.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where

limited disturbance only may be caused. The Licensing Authority will regulate live performances on a risk assessed basis and we will be mindful of the licensing objectives and the need to ensure we are not committing disproportionate costs to regulation.

24.4 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act:

- i. Removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues. This is subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence where the premises are authorised to supply alcohol for consumption on the premises.
- ii. Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 500 persons on premises authorised to supply alcohol for consumption on the premises. This is subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence.
- iii. Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 500 persons in workplaces (but not necessarily for workers) not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- iv. Removes the licensing requirement for the provision of entertainment facilities and widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

## 25 Risk Assessments



- 25.1 When the Licensing Authority's discretion is engaged it expects applicants to have regard to the advice of the Metropolitan Police in relation to the licensing objective of the prevention of crime and disorder. Therefore, it recommends for significant events (please see note below for definition), a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Completing of such a risk assessment should include checking previous venues where the artists / performers / promoters have performed recently to see if there have been any issues, and any social media sites to check for any potential problems such as a young audience. The risk assessment should consider the provision and numbers of SIA security, search, ejection policy and entry and egress plans. Such risk assessments should be written down, stored for a year, and made available to Responsible authorities upon request. Accordingly, for premises that wish to stage promotions, or events (as defined below) the Licensing Authority expects that applicants carry out the Risk Assessment and debrief processes and when relevant include in their Operating Schedule.
- 25.2 Licence Holders should discuss their Risk assessments with Metropolitan Police at least 14 days prior to the proposed event.
- 25.3 The additional event/promotion specific risk assessment is for where the venues have events/promotions with different artistes or DJs than their usual DJ/Artistes.
- 25.4 The Premises Licence Conditions proposed by can be recommended as part of a pool of model conditions in appendix 3. They will not be imposed on any licence as a condition, unless as suggested in the applicants operating schedules, or the licensing authority is engaged, i.e., where relevant representations for any application are received. If conditions are to be applied, they will have to be relevant and proportionate to the matters raised in representations.
- 25.5 Definition of a 'Significant Event':  
A significant event will be deemed to be: any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artist; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
- 25.6 Licensees are advised to consult the local Metropolitan Police Licensing Unit to clarify whether their proposed event is significant.

## 26 Temporary Event Notices Process

- 26.1 The Licensing Act 2003 allows small scale events which include any licensable activities to be held without the need for a premises licence. However advanced notice of at least ten full working days' notice must be given to the Licensing Authority and the Metropolitan Police (please see paragraph 23.4 and 23.5 below for this Licensing Authority's required notice period).
- 26.2 Temporary Event Notices (TENs) authorise "one-off" licensable activities on a premises without the need for a premises licence or club premises certificate. TENs are not a Licence but a notification to the Licensing Authority, Police and Environmental Health of the intention to carry out Licensable activities. There are certain restrictions relating to TENs set out in the Act:
- a) the number of times a person (the "premises user") may give a TEN:
    - 50 times per calendar year for a personal licence holder (inclusive of Late TENs subject to a maximum of 10),
    - 5 times per calendar year for other people (i.e., non personal licence holders) (inclusive of Late TENs subject to a maximum of 2);
  - b) the number of times a TEN may be given for individual premises is 15\*times in a calendar year (this number took effect from 1<sup>st</sup> January 2016 as per the Deregulation Act 2015) so long as the total number of days used for these events does not exceed 21\*\*;
  - c) the temporary event may last no more than 168 hours (this relates to the licensable activities only);
  - d) the scale of the event in terms of the maximum number of people attending at any one time can be no more than 499 (including staff/volunteers etc. running the event).

*The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 has temporarily increased the limits detailed in b) above for 2022 to 2023 (calendar year). \* increased to 20 days and \*\* increased to 26 days.*

- 26.3 Where events are planned outside the limits above, an application must be made for a limited duration Premises Licence.
- 26.4 The Secretary of State's Guidance states "Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to

provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them”

- 26.5 In accordance with this Guidance, this Licensing Authority expects event organisers’ to give at least 28 days’ notice of a temporary event. We also expect that events are discussed with Metropolitan Police and Environmental Health, Noise prior to submission. This will ensure that full detailed discussion can take place between the organiser and any other interested parties in order to ensure promotion of the 4 licencing objectives. The maximum timescale this Licensing Authority will accept a TEN in advance of an event is 3 months.
- 26.6 Risk Assessments: In order to assist the Metropolitan Police, we would strongly urge that Risk Assessments are either included with the TEN submission or sent to the Police via the details in Council’s Responsible Authority list on their website. Such risk assessments need to include a description of the event, any risks identified with the event such as increased possibility of intoxicated customers, underage attending the event, or perceived drug use, and any mitigating steps that have implemented to address the identified risks. Where promoted music events are taking place at the premises such a risk assessment should include checking previous venues where the artists / performers / promoters have performed recently to see if there have been any issues, and any social media sites to check for any potential problems such as a young audience. The risk assessment should also consider the provision and numbers of SIA security, search, ejection policy and entry and egress / dispersal plans.
- 26.7 TENs relating to outdoor events are strongly advised to contact the Council’s Sports Leisure and Culture Department, Environmental Health and Health and Safety as well as the emergency services for advice.
- 26.8 With regards to giving notice to the relevant authority, as the term “give” used in section 100 of Licensing Act 2003 is not defined, the Licensing Authority considers this to mean the date on which the TEN is received by the Licensing Authority and not the date on which it was sent. Applicants are therefore advised to hand deliver notices if time is short, as late notices will not be accepted under any circumstances.
- 26.9 Applications for TENs must be made using the prescribed form. Applications must be given to the Licensing Authority and the Metropolitan Police in duplicate.
- 26.10 It should be noted that the Metropolitan Police and the Council’s Environmental Health Notice Service are the only bodies who may make representations to a TEN. However, these two bodies may object to a TEN on grounds that any of the

licensing objectives would not be promoted should the event go ahead. Where objections are received the matter will be put before the Licensing Authority's Licensing Sub-Committee. The Licensing Sub-Committee may:

- i) Allow the TEN to go ahead
- ii) Reject the TEN

26.11 The Act does allow for Late TENS to be submitted by event organisers subject to the to the limitations in paragraph 23.2 (b-d) above and the below limitations referred to below in relation to the number of times a person (the "premises user") may give a Late TEN, which is:

- a) **10** times per calendar year for a personal licence holder,
- b) **2** times per calendar year for other people (non personal licence holders).

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

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

26.14 TENS received that relate to premises within the Cumulative Impact Zone may be received objections from the Police or Environmental Health on the grounds that the giving of a TEN would undermine the licensing objectives in the Cumulative Impact Zone (CIZ). Therefore, persons giving TENS within this Zone should have regard for the Cumulative Impact Policy detailed above and the Secretary State's Guidance relating to Cumulative Impact. The reason for the CIZ is to reduce crime and disorder, and nuisance from a concentration of licensed premises.

## 27 Enforcement

- 27.1 Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act and the Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 27.2 The Licensing Authority will work closely with Borough Police to establish protocols to ensure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high risk premises.
- 27.3 The Licensing Authority considers the protection of minors to be a particular priority for enforcement and will, in partnership with other agencies, especially the Police, seek to use the criminal sanctions of the Licensing Act to their fullest extent to achieve such protection.
- 27.4 In relation to enforcement the Council will abide by the Regulators Compliance Code and the Enforcement Concordat and the Council's Enforcement Policy. A copy of this policy is available on the Council's website. In most cases a graduated form of response will be used to resolve issues of non-compliance although it is recognised that in serious cases a prosecution or a review application are appropriate means of disposal. The Council will use test purchases as a legitimate way to determine compliance to the license conditions. Failed test purchases will be disposed with by reference to the Council Enforcement Policy.
- 27.5 Following this Policy the Licensing Authority can take the following action:
- a. Taking no action;
  - b. Issuing an informal warning;
  - c. Recommending improvements within a particular time;
  - d. Monitoring by regular inspection and invite to seek a further review if problems persist;
  - e. Investigate breaches of legislation and refer matters to the Council's Legal Department for consideration for prosecution.
- 27.6 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received

(except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.

27.7 Conditions should be:

- Clear,
- Enforceable,
- Evidenced,
- Proportionate,
- Be expressed in plain language capable of being understood by those expected to comply with them.

27.8 Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary.

27.9 Licensing authority cannot impose blanket standard conditions. The Secretary of State's Guidance contains a A pool of conditions.

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

27.11 Non Payment of Licence Fee

In accordance with the amendments introduced by the Police Reform and Social Responsibility Act 2011, the council must suspend premises licences and club premises certificates on the non-payment of annual fees.

27.12 The legislation states that the premises licence holder will be given at least 2 working days' notice that the licence will be suspended before the suspension is to take effect.

27.13 It is the duty of the Licence Holder to pay their annual licence fee when it is due. The Licensing Authority will send a single request for payment to the licence holder giving 28 days from the date of the letter to make the required payment. If no payment is received the Licensing Authority will take measures to suspend the licence.

27.14 Following the action to suspend the licence income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment is received or licence surrendered.

## 28 Review Process

- 28.1 Working in partnership:  
The promotion of the licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, other persons, (as defined by the Secretary of State Guidance), responsible authorities and the Licensing Authority. The licensing authority will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement.
- 28.2 Purpose of reviews:  
The review process is integral to the operation of the Act. The Government's intention is a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the Licensing Authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the Responsible Authorities and the other persons to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence.
- 28.3 Proceedings:  
There are proceedings under the Act for reviewing a premises licence. These are provided as protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
- 28.4 Initiating Reviews:  
At any stage, following the grant of a premises licence, any of the Responsible Authorities or any other persons, such as a resident living in the vicinity of the premises and Councillors, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 28.5 The Police and Environmental Health Officers have various additional powers of - closure. The Licensing Authority cannot initiate its own reviews of premises licences, however, officers of the Council who are specified as Responsible Authorities under the Act may request reviews.
- 28.6 In every review case an evidential basis for the allegations made will need to be submitted to the Licensing Authority. When a request for a review is initiated from an other person, the Licensing Authority is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous.
- 28.7 Where the Licensing Authority receives a request for a review in accordance with the closure procedures described in Part 8 of the Act (for example, closure orders), it will arrange a hearing in accordance with the regulations set out by the



Government.

28.8 Powers following determination of review - The Licensing Authority in determining a review may exercise the range of powers given to them to promote the licensing objectives. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- a. Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- b. Exclude a licensable activity from the scope of the licence;
- c. Remove the designated supervisor;
- d. Suspend the licence for a period not exceeding three months;
- e. Revoke the licence.

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

## **29 Responsibility of Licence Holders and Designated Premises Supervisors (DPS)**

29.1 When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should the DPS cease to work/be employed by the premises the Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority.

29.2 Every premises licence that authorises the sale of alcohol must specify a designated premises supervisor (DPS). This will normally be the person who has

been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. The DPS to be a person with day to day managerial control of the premises who will take reasonable steps to ensure the licensing objectives are promoted and licence conditions are adhered to.

- 29.3 Though there is no requirement for a designated premises supervisor (DPS) to be on the premises at all times that alcohol is being sold, the Licensing Authority expects where they are likely to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, that a new DPS to be appointed to cover the period of absence. If there are concerns that a DPS is repeatedly absent, the Police may apply for a review of the Premises Licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.
- 29.4 Where the DPS is not present at the premises the Licensing Authority, following guidance by the Secretary of State, recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. The letter of authorisation should state the following:-
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
  - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
  - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

It should be noted that the responsibility remains with the Premises Licence Holder and the Designated Premises Supervisor.

- 29.5 The Coronavirus pandemic has demonstrated the need for good contact details, particularly digital ones with Licence Holders. Throughout the pandemic and this Licensing Authority held online meetings with licence holders and continued to

keep them up to date with guidance on restrictions as they came in from Central Government. Through this we found that many of the contact details we had for our Licence holders, particularly email addresses were either incorrect or were those of the Solicitors who dealt with the original application at the time. This has also caused issue for licence holders when we notify them of their annual fee with letters sometime going to solicitors' firms rather than the licence holder.

In light of this we expect applicants to include the correct correspondence address for the proposed licence holder in their application, and where possible include an email address for the Licence Holder. We also expect Licence holders to keep this Licensing Authority up to date should the contacts for the Licence holder either address, telephone number or email address change.

This will ensure that if needed the Licensing Authority can contact the Licence Holder promptly, we can and will help to avoid unnecessary suspensions of licences because the reminder letter was not received by the Licence Holder.

### 30 Duplication

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

### 31 Administration, Exercise and Delegation of Functions

- 30.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 30.3 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 30.4 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee / Sub-Committees and Officers.

| <b>Matter to be dealt with</b>                             | <b>Full</b> | <b>Sub</b>                         | <b>Officers</b>             |
|--|-------------|------------------------------------|-----------------------------|
| Application for personal licence                           |             | Police objection including unspent | If no objection made        |
| Application for premises licence/club premises certificate |             | If a relevant representation made  | If no relevant representati |

|   |  |                                   |                             |
|---|--|-----------------------------------|-----------------------------|
| Application for provisional statement   |  | If a relevant representation made | If no relevant representati |
| Application to vary premises licence/club premises certificate  |  | If a relevant representation made | If no relevant representati |
| Application to vary designated premises supervisor  |  | If police objection               | All other cases             |
| Request to be removed as designated premises supervisor   |  |                                   | All cases                   |
| Application for transfer of premises licence  |  | If police objection               | All other cases             |
| Application for interim authorities   |  | If police                         | All other                   |
| Application to review premises licence / club premises certificate  |  | All cases                         |                             |
| Decision on whether a complaint is irrelevant, frivolous, vexatious etc;  |  |                                   | All cases                   |
| Decision to object when local authority is consultee and not the relevant authority considering the application   |  | All cases                         |                             |
| Determination of a police objection to a temporary event notice   |  | All cases                         |                             |
| Decision on whether a minor variation application is valid, the need to go out to consultation and determination. |  |                                   | All cases                   |
| Determination of minor variation application  |  |                                   | All cases                   |

|  |  |                       |           |
|--|--|-----------------------|-----------|
| Determination of application to vary premises licence at community premises to include alternative licence condition   |  | If a police objection | All cases |
| Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non   |  |                       | All cases |
| Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the   |  |                       | All cases |
| Power to impose existing conditions on a premises licence, club premises certificate and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003. |  |                       | All cases |
| Power to make representations as responsible authority   |  |                       | All cases |

- 30.5 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers.
- 30.6 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

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

## Appendix 1:

### List of Responsible Authorities

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

For a full list of Responsible Authorities please see the link below, which is updated regularly:

[https://www.towerhamlets.gov.uk/ignl/business/licences/beer\\_and\\_entertainment/Responsible-Authorities.aspx](https://www.towerhamlets.gov.uk/ignl/business/licences/beer_and_entertainment/Responsible-Authorities.aspx)



## Appendix 2

### **Mandatory Conditions Made under the Licensing Act 2003 and associated Orders**

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

#### **For “ON and OFF SALES” and “ON SALES ONLY”: Add conds 1-5**

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

**For “OFF SALES ONLY” Add the following conditions**

- (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.
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 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.

## **Appendix 3**

### **Model Conditions**

The below are a list of model conditions, which are intended to be used by Applicants, Responsible Authorities, or Other Persons making a representation. Where necessary these conditions should be modified in order to be appropriate, proportionate, and enforceable in respect to the type of application.

This appendix does not form part of the Statement of Licensing Policy to allow for it to be modified where appropriate to ensure conditions contain fit any new or emerging trends.

*This basket of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or interested party from proposing any alternative conditions, nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers necessary for the promotion of the licensing objectives.*

Conditions are listed under the Licensing Objective that they most appropriately promote.

#### **Key:**

The second column in the table that follows indicates the types of premises to which the condition in the third column might be of most relevance.

- A** Restaurants
- B** Public houses, wine bars or other drinking establishments
- C** Café-bars
- D** Hotel bars
- E** Night-clubs
- F** Off-licences (including convenience stores)
- G** Pavement licences
- H** Qualifying clubs
- I** Take-aways
- J** Boats
- H** Other entertainment venues

| Number                                  | Suggested Applicable Premises | Condition  |
|---|-------------------------------|--|
| <b>Prevention of crime and disorder</b> |                               |  |
| 1                                       | A, B                          | <p>Touting:</p> <ol style="list-style-type: none"> <li>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 -)</li> <li>2. Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.</li> </ol>   |
| 2.                                      | J                             | <p>Boats:</p> <ol style="list-style-type: none"> <li>1. For all externally promoted events including DJs, birthday bookings (where the person whose birthday it is aged 25 or under), all football related bookings and for publicly ticketed events, all drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.</li> <li>2. The bar shall close 15 minutes prior to disembarkation, after this no alcohol shall be sold. This is to be announced on the public address system.</li> <li>3. Passengers shall not be allowed to bring alcohol on board the vessel.</li> </ol> |



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|  |  | <ol style="list-style-type: none"> <li>4. The crew shall make a comprehensive safety announcement over the PA system before every departure. This is to include a segment on drink aware and the ejection policy.</li> <li>5. Any passenger that becomes abusive/aggressive to the crew or other passengers shall be asked to leave the vessel. Such persons will be ejected at the nearest available pier. A duty of care shall be provided for the ejected persons and to consider calling the emergency services.</li> <li>6. Passenger numbers for each trip should be recorded on the Ships AIS system and on-board in the Ships Diary. The capacity of the vessel shall be determined and approved by the Maritime and Coastguard Agency (MCA) and placed on the ships certificate.</li> <li>7. All SIA approved staff engaged in supervising or controlling queues as well as engaged in duties on board the vessel shall wear high visibility yellow jackets or vests.</li> <li>8. Registered SIA security staff to be on duty during all externally promoted events including DJs, birthday bookings where the person's birthday is between the ages of 16 and 25 and all football-related bookings. "However, this condition shall not apply to externally promoted events which involve events where there is no sale or supply of alcohol and those participating are young persons taking part in a school organised event supervised by teachers or support staff from the school."</li> <li>9. The licence holder shall ensure that there is a written risk assessment policy in place for every event to be held on the vessel and be available for inspection by police or authorised officers</li> <li>10. The SIA staff and crew will ensure that the pier is clear of all customers prior to leaving the pier. This includes a duty of care on all persons ejected during the duration of the trip.</li> </ol> |
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|    |               | <p>11. It shall be a condition of entry that the customer agrees to an outer clothing and bag search being carried out or refusal of entry will be given, and notices to that effect shall be displayed. SIA Door Supervisors on duty will action as to when and whom is searched and a record of any decisions to be made. All searching shall be supplemented by the use of metal detector wands.</p> <p>12. The crew shall patrol all parts of the vessel at regular intervals to check for unruly or unsafe behaviour.</p>   |
| 3. | A-H           | <p><b>Smuggled Goods:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The premises licence holder shall ensure that all receipts for goods bought include the following details:             <ol style="list-style-type: none"> <li>i. Seller's name and address</li> <li>ii. Seller's company details, if applicable</li> <li>iii. Seller's VAT details, if applicable</li> <li>iv. Vehicle registration detail, if applicable</li> </ol> </li> <li>3. Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.</li> <li>4. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.</li> <li>5. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.</li> </ol> |
| 4. | A, B, C, D, G | <p><b><u>Olympic Park – Football Ground/Special Events:</u></b></p> <ol style="list-style-type: none"> <li>1. On Match Days for premises licensed for the supply of alcohol for consumption on the premises:</li> </ol>  |

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|    |     | <ol style="list-style-type: none"> <li>1) 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.</li> <li>2) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).</li> </ol> <p>2. No drinks shall be served in glass containers at any time during/whilst* <i>[insert special event]</i> *delete as appropriate</p>  |
| 5. | A-H | <p>CCTV/Incident Recording/Reporting</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The CCTV system serving the premises shall:             <ol style="list-style-type: none"> <li>a) be maintained fully operational and in good working order at all times;</li> <li>b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and</li> <li>c) show an accurate date and time that the images were made.</li> </ol> </li> </ol> |

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|  |  | <ol style="list-style-type: none"> <li>3. 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.</li> <li>4. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.</li> <li>5. 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:             <ol style="list-style-type: none"> <li>a) all crimes reported to the venue;</li> <li>b) all ejections of patrons;</li> <li>c) any complaints received concerning crime and disorder</li> <li>d) any incidents of disorder;</li> <li>e) all seizures of drugs or offensive weapons;</li> <li>f) any faults in the CCTV system, searching equipment or scanning equipment;</li> <li>g) any refusal of the sale of alcohol;</li> <li>h) any visit by a relevant authority or emergency service.</li> </ol> </li> <li>6. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:             <ol style="list-style-type: none"> <li>a) the police (and, where appropriate, the London Ambulance Service) are called without delay;</li> <li>b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;</li> <li>c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and</li> <li>d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.</li> </ol> </li> </ol> |
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| 6. | A-H           | <p><u>Personal Licence Holder/DPS</u></p> <ol style="list-style-type: none"> <li>1. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.</li> <li>2. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.</li> </ol>   |
| 7. | B, C, H, E, H | <p><u>Security/Searching</u></p> <ol style="list-style-type: none"> <li>1. A minimum of <b>[insert appropriate number]</b> SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business</li> <li>2. On any occasion that regulated entertainment is provided, not less than <b>[insert appropriate number]</b> SIA registered door supervisors will be engaged to control entry</li> <li>3. At least <b>[insert appropriate number]</b> SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.</li> <li>4. At least <b>[insert appropriate number]</b> female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.</li> <li>5. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.</li> <li>6. When the premises is carrying on licensable activities after <b>[insert appropriate time (24HR format)]</b> hours, at least <b>[insert appropriate number]</b> door supervisor(s) will to be on duty at each door used for entry or exit.</li> </ol> |

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|  | <p>7. No patrons shall be admitted or re-admitted to the premises after <i>[insert appropriate time (24HR format)]</i> unless they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search.</p> <p>8. All persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.</p> <p>9. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises.</p> <p>10. A clearly visible notice shall be placed at each entrance to the Premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons. <b>(E)</b></p> <p>11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests. <b>(B, E, J)</b></p> <p>12. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and /or <i>[insert other responsible person, e.g. Premises Licence Holder, Manager, etc., as appropriate]</i>, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal.</p> |
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| 8.                   | E, H                   | <p><u>External Promoters:</u></p> <ol style="list-style-type: none"> <li>1. The premises licence holder must submit to the relevant police officer on request a completed risk assessment form as prescribed at least 14 days before any event that is promoted/advertised to the public at any time before the event and features DJ's, MC's or equivalent performing to recorded music.</li> </ol>   |
| 9.                   | F                      | <p><u>Alcohol limits:</u></p> <ol style="list-style-type: none"> <li>1. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.</li> <li>2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.</li> <li>3. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.</li> </ol>   |
| <b>Public Safety</b> |                        |  |
| 10.                  | A, B, C, D, E, G, J, H | <p><u>Restrictions on use of glass container:</u></p> <ol style="list-style-type: none"> <li>1. No drinks shall be served in glass containers at any time.</li> <li>2. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.</li> </ol> |



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|     |                           | <p>3. Notwithstanding 2 above, with the written agreement of the Tower Hamlets Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the (specified area).</p> <p>4. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.</p>                                |
| 11. | B, E, I & J               | <p><u>Capacity</u></p> <p>1. The number of persons permitted in the premises at any one time (including staff) shall not exceed <i>[insert appropriate number]</i> persons[, and such number shall be prominently displayed by each entrance to the premises]*delete as appropriate. [The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place] *delete as appropriate.</p> |
| 12. | Unique to Beauty Premises | <p><u>Hairdresser/Barber/Salons:</u></p> <p>1. The sale of alcohol shall only be for consumption by customers, their bona fide guests. For the avoidance of doubt there shall be no sales of alcohol to staff for consumption on the premises.</p>   |

| <b>Prevention of public nuisance</b> |                        |  |
|--------------------------------------|------------------------|--|
| 13.                                  | A, B, C, D,<br>E, J, H | <p><u>Noise prevention</u></p> <ol style="list-style-type: none"> <li>1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.</li> <li>2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.</li> <li>3. All windows and external doors shall be kept closed after <i>[insert appropriate time (24HR format)]</i> hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</li> <li>4. There shall be no admittance or re-admittance to the premises after <i>[insert appropriate time (24HR format)]</i> except for patrons permitted to temporarily leave the premises to smoke.</li> <li>5. There shall be no sales of alcohol for consumption off the premises after <i>[insert appropriate time (24HR format)]</i>.</li> </ol> |

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|  |  | <ol style="list-style-type: none"> <li>6. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.</li> <li>7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</li> <li>8. 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.</li> <li>9. 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.</li> <li>10. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.</li> <li>11. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as <b>[insert specific location]</b>.</li> <li>12. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</li> </ol> |
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|     |                        | <p>13. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.</p> <p>14. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.</p>   |
| 14. | A, B, C, D, E, G, J, H | <p><u>Outdoor areas</u></p> <ol style="list-style-type: none"> <li>1. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.</li> <li>2. No more than <b>[insert appropriate number]</b> customers will be permitted to enter or remain in <b>[insert specific location]</b> the outdoor areas of the premises at any one time after the hours of <b>[insert appropriate time (24HR format)]</b>.</li> <li>3. The outdoor area shall not be used by patrons after <b>[insert appropriate time (24HR format)]</b>.</li> <li>4. All outside tables and chairs shall be rendered unusable by <b>[insert appropriate time (24HR format)]</b> each day.</li> <li>5. All tables and chairs shall be removed from the outside area by <b>[insert appropriate time (24HR format)]</b> each day.</li> <li>6. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.</li> </ol> |

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|     |                           | <p>7. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to <b>[insert appropriate number]</b> persons at any one time.</p>   |
| 15. | A, B, C, D, E, G, I, J, H | <p><u>Waste disposal/collections</u></p> <ol style="list-style-type: none"> <li>1. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between <b>[insert appropriate time (24HR format)]</b> hours and <b>[insert appropriate time (24HR format)]</b> hours on the following day.</li> <li>2. No collections of waste or recycling materials (including bottles) from the premises shall take place between <b>[insert appropriate time (24HR format)]</b> and <b>[insert appropriate time (24HR format)]</b> on the following day.</li> </ol>   |
| 17. | A-H                       | <p><u>Litter prevention</u></p> <ol style="list-style-type: none"> <li>1. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.</li> <li>2. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.</li> <li>3. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.</li> </ol> |

|     |   |   |
|-----|---|---|
|     |   | <p>4. Where the premises provide late night refreshment for consumption off the premises sufficient waste bins must be provided at or near the exits.</p>   |
| 18. | J | <p><u>Boats:</u></p> <ol style="list-style-type: none"> <li>1. Amplified music or regulated entertainment shall not take place whilst the vessel is moored at its [insert address] moorings.</li> <li>2. No noise shall emanate from the vessel which gives rise to a nuisance.</li> <li>3. Alcohol shall not be taken or consumed off the vessel at any time.</li> <li>4. The bar shall close 15 minutes prior to disembarkation, after this no alcohol shall be sold. This is to be announced on the public address system.</li> <li>5. Passengers shall be advised by the crew to leave the vessel in a quiet and orderly fashion and not to do anything which is liable to disturb nearby residents. Prominent notices shall be displayed at the entrance and exit points.</li> <li>6. All SIA approved staff engaged in supervising or controlling queues as well as engaged in duties on board the vessel shall wear high visibility yellow jackets or vests.</li> <li>7. Crew members shall be positioned by the door to help guests disembark and ensure that overcrowding does not become a problem</li> <li>8. While the vessel is at the pier music levels will be controlled to ensure no noise shall emanate nor vibration transmitted which gives rise to a Public Nuisance.</li> <li>9. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the safety of the crew and customers, and for the prevention of crime).</li> </ol> |

|  |     |   |
|--|-----|---|
|  |     | <p>10. Live or recorded music will not be allowed to commence until the vessel has left any embarkation pier and will cease before the vessel arrives at any disembarkation pier.</p>   |
| <p><b>Protection of Children from harm</b></p> |     |   |
| 19.  | A-H | <p><u>Challenge 25:</u></p> <ol style="list-style-type: none"> <li>1. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. Entry by children under the age of 18 to <b>[the premises]</b> <b>[a specified part of the premises]</b> is prohibited between <b>[insert appropriate hours]</b>.</li> <li>6. Entry by children under the age of <b>[insert appropriate age]</b> to <b>[the premises]</b> <b>[a specified part of the premises]</b> is prohibited unless accompanied by an adult over the age of 18</li> </ol> |

|     |                  |  |
|-----|------------------|--|
| 20. | A-H              | <p><u>Staff Training</u></p> <p>1. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every <i>[insert appropriate number]</i> months thereafter/<i>[insert appropriate number]</i> times a year. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training to include:</p> <ul style="list-style-type: none"> <li>a) the operation of the challenge XX scheme;</li> <li>b) types of acceptable ID;</li> <li>c) the method of recording challenges;</li> <li>d) the likely consequences of making an underage sale;</li> <li>e) refusing sales to persons who appear to be drunk;</li> <li>f) proxy sales.</li> </ul>  |
| 21. | A, B, C, D, F, I | <p><u>Online Deliveries:</u></p> <ol style="list-style-type: none"> <li>1. Every third-party courier delivery box shall be labelled with the words “Age Restricted Product”.</li> <li>2. There shall be mechanism either by an App or on the delivery package to show the delivery rider is aware it is an age restricted product to ensure ID checks are made upon delivery of alcohol.</li> <li>3. The premises licence holder will ensure that an age verification policy will apply whereby all delivery drivers/riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.</li> <li>4. Alcohol shall only be delivered to a residential or business address and not to a public place or vehicle.</li> <li>5. All off sales deliveries to be in sealed containers.</li> </ol> |



|   |         |  |
|---|---------|--|
|   |         | <p>6. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld</p> <p>7. The Licence holder shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.</p>  |
| <b>Miscellaneous (promotes more than one objective)</b> |         |  |
| 22.   | A, C, D | <p>8. The premises shall only operate as a restaurant:</p> <ul style="list-style-type: none"> <li>a) in which customers are shown to their table;</li> <li>b) where the supply of alcohol is by waiter or waitress service only;</li> <li>c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;</li> <li>d) which do not provide any take away service of food or drink for immediate consumption;</li> <li>e) which do not provide any take away service of food or drink after 23.00, and</li> <li>f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ul> <p>9. The sale of alcohol for consumption on the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.</p> <p>10. The sale of alcohol shall be to persons seated at the premises, i.e. table service only.</p> <p>11. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.</p> |

|  |  |   |
|--|--|---|
|  |  | <p>12. No more than [<i>insert appropriate figure</i>] % of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.</p> <p>13. No vertical drinking.</p> |
|  |  |   |

## Appendix 4:

### Licensing Contact Details

A printed version of the policy can be obtained from:

Licensing and Safety Team  
Environment Health and Trading Standards  
4th Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

Telephone: 020 7364 5008

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

It is also available for inspection at the above office.

## **Appendix 5: London Borough of Tower Hamlets**

### **Tower Hamlets Council**

### **Sex Establishment Licensing Policy**

#### **Introduction**

This policy sets out Tower Hamlets Council's proposed approach to regulating sex establishments and the procedure that it will adopt in relation to applications for sex establishment licences.

The policy of the Council is to refuse applications for sexual entertainment venues. This policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances. Such circumstances will not be taken to include the quality of the management, its compliance with licence conditions, the size of the premises or its operating hours.

The policy is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.

When the decision making powers of the Council are engaged each application will be dealt with on its own merits but this policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of what is expected of them should an application be made.

The legal controls for sex establishment premises are contained in the Local Governmental (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

There are 3 types of sex establishments which fall into the licensing regime:-

Sex shops

Sex cinemas

Sexual entertainment venues

The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

### **Policy Rationale**

The policy has been developed that sets out how the legislation will be administered and applied. The policy identifies how the Council would exercise the licensing regime in relation to sexual entertainment venues.

The policy has been developed to reflect and complement existing Council plans and strategic approach, namely:-

- Tower Hamlets Community Plan.
- Tower Hamlets Crime & Drug Reduction Partnership Plan.

- Tower Hamlets Enforcement Policy.
- Tower Hamlets Core Strategy.
- Tower Hamlets Town Centre Spatial Strategy.
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003).
- Tower Hamlets Statement of Licensing Policy (Gambling Act 2005).

The policy has also been prepared with regard to:

- Consultation responses
- Human Rights Act 1998
- Equalities Act 2010

The policy seeks to contribute to the “One Tower Hamlets” principle by fostering community cohesion, reducing inequalities and empowering communities.

The public consultation that was undertaken concerning the adoption of a nil policy did not have overwhelming support. Therefore careful consideration has been given to the policy response, given the balance that the consultation returns did not give overwhelming support.

## **Policy Considerations**

### **Existing Licensed Premises**

The Council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years.

There are no licensed sex shops in Tower Hamlets.

The businesses that hold premises licences under the Licensing Act 2003 with permissions that will be affected by the adoption of the sexual entertainment venue licensing regime are as follows:-

| <b>NAME</b>   | <b>ADDRESS</b>                           |
|---|--|
| THE BEEHIVE   | 104-106 Empson Street, London, E3 3LT    |
| EONE CLUB   | 168 Mile End Road, London, E1 4LJ        |
| NAGS HEAD<br>PUBLIC HOUSE                           | 17-19 Whitechapel Road, London, E1 1DU   |
| THE PLEASURE LOUNGE                                 | 234 Cambridge Heath Road, London, E2 9NN |
| WHITE SWAN  | 556 Commercial Road, London, E14 7JD     |
| ASTON'S CHAMPAGNE<br>AND WINE BAR<br>BASEMENT & 1ST | 187 Marsh Wall, London, E14 9SH          |
| CLUB PAISA  | 28 Hancock Road, London, E3 3DA          |
| OOPS  | 30 Alie Street, London, E1 8DA           |
| WHITE'S<br>GENTLEMANS CLUB                          | 32-38 Leman Street, London, E1 8EW       |
| SECRETS   | 43-45 East Smithfield, London, E1W 1AP   |
| IMAGES  | 483 Hackney Road, London, E2 9ED         |

Tower Hamlets Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1<sup>st</sup> June 2014 so that it can:

- set a limit on the number of sexual entertainment venues
- determine premises that are appropriate for the borough and
- licence sexual entertainment venues

Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity.

Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence and applicants are advised to contact the Licensing Team for advice.

### **Limits on the number of licensed premises**

The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The Council intends to adopt a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the standard conditions for sex establishments

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.



## **Location of premises**

The Council's policy is that there is no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero.

As previously stated in the policy the Council will treat each application on its own merits however applicants should be aware that the Council will take into consideration the location of the proposed premises and its proximity to:

- residential accommodation,
- schools,
- premises used by children and vulnerable persons
- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

## **Impact**

In considering applications for the grant of new or variation applications the Council will assess the likelihood of a grant causing impacts, particularly on the local community.

The Council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Council will take into account

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, Council officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

In considering applications for transfer the Council will take into account:

- the applicants previous knowledge and experience

- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

## **Applicants**

Where appropriate the Council expects applicants to:

- demonstrate that they are qualified by experience
- have an understanding of general conditions
- propose a management structure which will deliver compliance
- with operating conditions for example through
- Management competence
- Presence
- Credible management structure
- enforcement of rules internally – training & monitoring
- a viable business plan covering door staff, CCTV
- policies for welfare of performers
- demonstrate that they can be relied upon to act in best interests of performers through remuneration, facilities, protection, physical and psychological welfare
- have a transparent charging scheme with freedom from solicitation
- a track record of management compliant premises or employ individuals with such a track record

New applicants may be invited for interview by the Licensing Officer and /or Police Officer prior to the application being referred to the Licensing Committee for determination.

Applications from anyone who intends to manage the premises on behalf of third party will be refused.

### **Premises appearance and layout**

The Council expects premises to:-

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images which may be construed as offensive to public decency
- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

### **Conditions**

The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

Specifically, standard conditions could include measures which are found in the appendix of this policy.

## **The Application Process**

### **Making a new, renewal, transfer or variation application**

The Act requires the Council to refuse all application if the applicant:

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or
- Is not resident in the UK, or has not been a UK resident for the last 6months or
- Has been refused an application in the last 12 months or
- Is a corporate body which in not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the Council's website ([www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk))
- from the Licensing Team on 020 7364 5008
- by email to [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

The Council prefers to receive electronic applications and offers a choice off payment options the details of which are contained in the application pack.

The Council expects the premises to have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a new licence.

In order for the application to be valid the applicant must:

- Submit the completed application form
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises( new applications only)

- Submit a location plan (1:1250) showing the location of the premises(NB. plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager if applicant is a limited company(NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details. The notice must be in a prominent position so that it can be easily read by passers-by. A notice template will be provided with the application form.
- publish a notice on at least one occasion in a local newspaper, during the period of ten working days starting on the day the application was given Council. The advert can be any size or colour but must be readable.

Applicants who wish to advertise the application in another local newspaper are advised to contact the Licensing Team beforehand, to confirm that it is acceptable.

On receipt of a valid application the Council will consult:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors

For new and variation applications the Council will also consult:

- Development Control Team
- Local residents living within 50m of the premises

Authorised Officers from the Council, Fire Brigade and Police may choose to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activities.

The Council will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

## **Representations**

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the Council.

Representations can either be submitted via

- Our website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)
- Email to: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)
- Post to: Consumer and Business Regulations, Licensing Team, 6<sup>th</sup> Floor, Mulberry Place, 5 Clove Crescent, E14 2BG.

A person making a representation must clearly state their name, address, and the grounds for objecting to the application and indicate whether they consent to have their name and address revealed to the applicant. Copies of representations will be made available to the applicant 14 days before the committee hearing.

The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

The Council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the Council if there's sufficient reason to indicate that applicants will not be significantly prejudiced by the decision to allow a late objection to be considered. In making such a decision the Council will take into account:

- The length of the delay
- The amount of time that the applicant has to consider the representation before the hearing date
- If other representations have been received before the deadline

### **Determining an application**

Applications with no representations will be approved under delegated authority to officers.

Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.

All other contested applications will be referred to the Licensing Committee for determination. The applicant, anyone making a representation and the ward Councillors will be notified the date, time and venue of the hearing and invited to attend to address the committee in person.



Applications can take up to 14 weeks to be determined. If an application is likely to take longer than 14 weeks to determine the Council will notify the applicant in writing before this deadline. Applications for sex establishment licenses are exempt from the tacit consent provisions of the EU Services Directive on the grounds of public interest and the legitimate interests of third parties.

The applicant will be notified in writing about the outcome of their application within 5 working days of the decision being made.

Sex Establishment licences are usually issued for 12 months, but can be issued for a shorter period if deemed appropriate.

In order to continue operating as a sex establishment the licence holder must make a renewal application prior to the expiry of the existing licence.

### **Appeals**

Any applicant who is aggrieved by a decision to refuse an application or by the imposition of any conditions can appeal to the Magistrates Court within 21 days of receiving the decision in writing.

### **Grounds for refusing an application**

1. The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason.
2. That if the license were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a license if he made the application himself.

3. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.
4. That the grant or renewal of the license would be inappropriate, having regard:-
  - a. to the character of the relevant locality
  - b. to the use to which any premises in the vicinity are put; or
  - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### **Transitional Arrangements**

Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.

The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'

## **Existing Operators**

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

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

“Preparatory work” refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.

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

## **Appointed Days**

### **1st Appointed Day**

The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1st June 2014)

### **2nd Appointed Day**

The day 6 months after the 1st appointed day (1st December 2014)

### **3rd Appointed Day**

The day 6 months after the 2nd appointed day and the end of the transitional period (1st June 2015)

## **New Applications**

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

## **Determining Applications Received On or Before the 2nd Appointed Day**

Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

As the Council is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.

No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

### **Determining Applications Received After the 2nd Appointed Day**

Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.

As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

## **Outstanding Applications**

The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.

Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants

## **Additional information and advice**

Please contact:

Consumer and Business Regulations

Licensing Team

6<sup>th</sup> Floor,

Mulberry Place,

5 Clove Crescent, E14 2BG.

[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk) 020 7364 5008

## Appendix 6

### Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
  - Brick Lane
  - Bethnal Green

**This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.**

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

#### Review of Cumulative Impact Assessment - Supporting Evidence

3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
  - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
  - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
  - Licence Application data for the defined areas for 2017 to 2020
  - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&MId=12361>.

### **Cumulative Impact Assessments (Brick Lane and Bethnal Green)**

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
  - New Premises Licences applications,
  - New Club Premises Certificates applications
  - Provisional Statements,
  - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or,
- the provision of late night refreshment.



7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.
10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
  - Prevention of Crime and Disorder;
  - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

12. The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

## **Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments**

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
  - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
  - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
  - Have arrangements to prevent vertical drinking, for example fully seated venues;
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

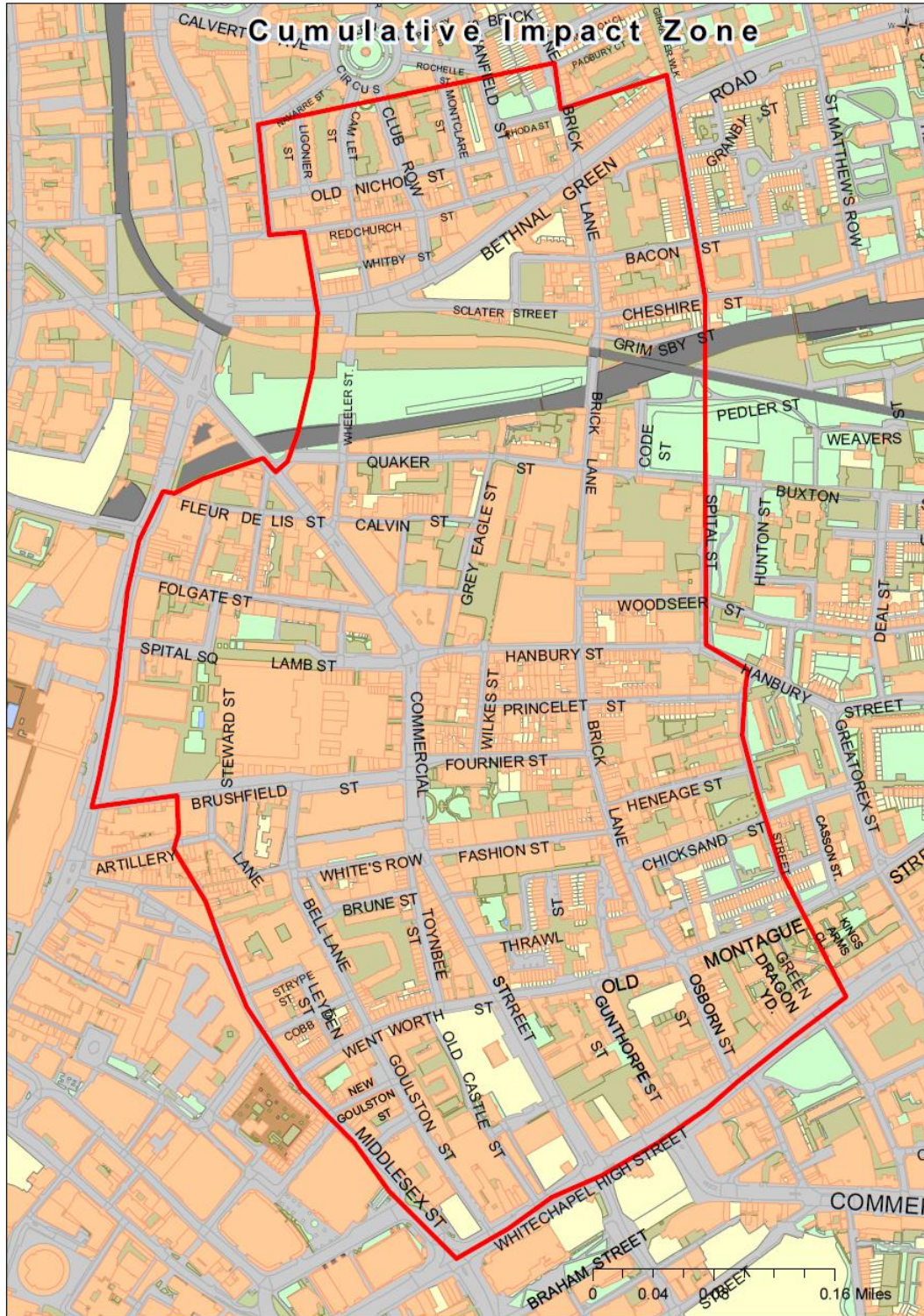
Licensing Authority will **not** consider the following as possible exceptions:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

## **The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green**

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One – Brick Lane CIZ



The boundary of the CIZ is approximate. Crown Copyright. © Crown Copyright and Ordnance Survey. September 2012



Figure Two – Bethnal Green CIZ

