

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 13 DECEMBER 2018

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

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Mohammed Ahbab Hossain
Councillor Tarik Khan
Councillor Eve McQuillan
Councillor Dan Tomlinson

Apologies

Councillor Shad Chowdhury
Councillor Shah Ameen
Councillor Leema Qureshi
Councillor Puru Miah

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Damian Doherty	– (Environmental Health Enforcement Officer)
David Tolley	– (Head of Environmental Health and Trading Standards)
Farhana Zia	– Senior Committee Services Officer

1.1 ELECTION OF CHAIR

Councillor Ehtasham Haque was elected as the Chair for the meeting, in the absence of the Chair and Vice-Chair.

The proposer for Councillor Ehtasham Haque to take the Chair was Councillor Tarik Khan and the seconder was Councillor Faroque Ahmed.

1.2 DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes from 28th November 2018 were agreed and approved as an accurate record of the meeting save that Councillor Eve McQuillan asked that her reason for abstinence under application 3.1 be stated in the minute.

- Councillor Eve McQuillan and Councillor Puru Miah abstained from voting in favour of the application being refused on the grounds that they felt the Applicant did not understand the nature of the proceedings, due to his limited English.

3. ITEMS FOR CONSIDERATION

3.1 Special Treatments Fees - The London Local Authorities Act 1991

Mr David Tolley, Head of Trading Standards and Environmental Health, stated the report was seeking to increase fees following a review of Licence fees for Massage and Special Treatment Licences, which can be set locally under the London Local Authorities Act 1991.

Mr Tolley explained the rationale behind the proposed licence fee increase and said the fee increases were set at values that would enable the Council to recover the administrative and enforcement costs associated with the relevant licences. He explained that where a business operated a selection of beauty treatments and intense pulse light laser treatments, only the higher fee of the two would be payable.

It was noted the CPI of 2.4% had been added to the licence fee, which would result in an increase from £338 to £346 for Special Treatment Licences and an increase from £544 to £557 for Intense Pulse Light laser treatment licences.

In response to questions from Members the following was noted:

- Other fees relating to Health and Safety, Food Hygiene and Environmental Health are determined by Cabinet however the fee increase for MST is delegated to this Committee as per the terms of reference.
- The amount of money raised from fees equates to a FTE post in the Health and Safety team.
- The 2.4% increase is parallel to the increase in other boroughs, with who the service benchmarks itself.
- In response to if the increase could be doubled to 4.8%, Mr Tolley confirmed there was nothing to stop the Committee raising it to the said percentage increase. However Members ought to bear in mind the service cannot make a profit from the fees and that any fee increase

must be proportionate and reasonable. Mr Tolley referred Members to point 3.1 of the report and stated the Council would be at risk of being taken to judicial review, if challenged.

- Some Members stated that an increase of 4.8% could be justified due to the number of MST applications the Licensing Committee had dealt with recently. They argued resources were needed to investigate the licence holders who are in breach of their licence conditions.
- Mr Tolley reminded Members that the applications they had dealt with were the extreme cases, where services of a sexual nature had been offered and therefore the Committee was asked to revoke licences. However the vast majority of licence holders, who operate within the law, would also be affected by such an increase in fees, places such as nail bars and hairdressers.
- Some Members stated they did not agree with a 4.8% increase as additional information would be required to justify such an increase which could disproportionately affect small businesses.
- Mr Tolley confirmed businesses are required to annually renew their MST licences as per paragraph 3.4 of the report.
- Mr Tolley confirmed a cost exercise had been undertaken to determine the recommended 2.4% increase in fees.
- In response to if more could be done to improve the process of obtaining a MST licence, so Licence Holders were not slipping through the net, Mr Tolley assured Members that the process was watertight and that the recent spate of revocations were due to the team working on intelligence received and taking positive action.
- **ACTION:** The Chair suggested that future reports should include tabular information on how the Borough compares with other boroughs and if the proposed increase is equivalent to other comparative boroughs.
- In response to if the decision ought to be delayed until the next meeting in March 2019, Mr Tolley stated that this would delay the implementation for the new fees to come into effect by the 1st April 2019. He stated businesses need to be informed of the increase prior to them coming into effect.

At this stage, Members decided to vote on the proposal put forward by Councillor Tarik Khan and seconded by Councillor Faroque Ahmed that the increase of MST fees should be by 4.8% rather than 2.4%.

RESOLVED

Accordingly, the Committee made a majority decision to:

1. **AGREE** an increase for Massage and Special Treatment Licences, including Intense Pulse Light laser treatment by 4.8% and that future reports to the Committee should provide further comparative data on how the proposed increase in fees is comparable with other benchmarking Authorities.
2. That where a business operates a selection of beauty treatments and Intense Pulse Light laser treatment, that only the higher fee is payable.
3. Agree that all fees are non-refundable once an application has been made, due to the commencement of processing the licence.
4. Resolve that these fees will commence on 1st April 2019 and will apply to all licence applications for all licences referred to above.

3.2 Update on the Community Alcohol Partnership and Best Bar None Scheme

Mr Vincent Fajilagmago, Licensing Project Officer presented his report to the Committee. He stated the report provided an update on the progress made on the Community Alcohol Partnership (CAP) initiative as well as an update on the Best Bar None (BBN) Scheme run within the borough.

Both initiatives seek to lower alcohol related crime and anti-social behaviour in the borough.

In relation to the CAP initiative Mr Vincent Fajilagmago referred Members to paragraphs 3.4 to 3.15, which set out the different strands of the project. He drew attention to paragraphs 3.16 to 3.20 which highlighted the partnership working that the Council had undertaken with companies such as HerLink and Safe East, to raise awareness of personal safety and alcohol being used to groom young girls.

Mr Fajilagmago referred Members to page 27 and the lessons learnt so far. He said the partnerships had resulted in working with off-licences and offering them retail training via Tesco and educating them in being responsible small businesses.

In respect to the Best Bar None Scheme, Mr Vincent Fajilagmago informed Members the BBN scheme had been successfully gaining popularity and the BBN awards reception and ceremony was scheduled to take place in March 2019.

In response to questions from Members the following was noted:

- The work with schools has been a real success and the intention is to continue with this strand of work.

- Members commented upon the detail of the report and stated they found this to be a helpful and useful report. They thanked Mr Fajilagmago for invitations to attend the BBN awards ceremony.
- In response to what action can be taken when the DPS (Designated Premises Supervisor) is not present, Mr Fajilagmago stated he was working to make the DPS more accountable, especially when incidents of ASB or alcohol related crime occur.
- Mr Fajilagmago confirmed that the project was jointly funded by the Public Health Team and the Drug and Alcohol Team. He said it was a soft handed approach to deal with crime and ASB.
- Mr Fajilagmago confirmed that the area chosen for intervention was based on quantitative data collected and intelligence from partners such as the Police. Members made several suggestions on areas that should be targeted in the future.

Members of the Committee

RESOLVED

1. To note the activity that has been undertaken by the Community Alcohol and Best Bar None Partnership.
2. To make CAP recommendations on further development of the schemes.
3. To request a representative of the Licensing Committee attends the Best Bar None Awards Ceremony to be held in March 2019 to meet and acknowledge those receiving the awards for participation in the scheme.
4. A networking reception to be provided for the Awards Ceremony.
5. Recommendations from members are welcomed for prizes that can be offered to awards and trophy winners.

3.3 Night time Economy visits and Enforcement Update

Mr Damian Doherty, Licensing Officer presented his report on the Night time economy visits and enforcement action undertaken in accordance with the Licensing Act 2003.

He informed Members the objective was to carry out late night visits to premises where intelligence had been received of alleged contravention of the Licensing Act 2003. Officers from the Licensing Team as well as Environmental Health and Trading Standards have been involved in visits which have included test purchases to investigate compliance and enforcement.

Visits have been conducted on Friday and Saturday nights between the hours of 22:00 and 03:00 hours.

Mr Damian Doherty referred Members to paragraphs 3.5 to 3.10 in the report and stated a total of 254 inspections had been undertaken with 28 premises visited receiving warning letters for non-compliance. Mr Doherty also drew Members attention to appendix 3, pages 194-195 of the agenda which gave further details of the premises that had been prosecuted for breaches of conditions of their licence.

In response to Members questions the following was noted:

- Mr Doherty clarified that premises identified for investigation was based on intelligence received from complaints and through witnessing incidents during day to day work. Mr Doherty said the intelligence and the work self generates.
- Mr Doherty stated a considerably amount of work had been done in relation to the sale of Nitrous Oxide (Laughing Gas) and specific premises had been targeted. Members made suggestions concerning areas of the borough where they had witnessed the sale of nitrous oxide and asked these be investigated further.

Members of the Committee

RESOVLED

1. To **NOTE** the activity that has been undertaken by the Environmental Health and Trading Standards Service with regards to regulating Late Night Licensed Premises.

3.4 Update in relation to Prosecutions and Appeals - Quarter 4 2017/2018 & Quarters 1- 2 2018/2019

Ms Agnes Adrien, Head of Litigation introduced the report detailing the completed licensing related Prosecutions and Appeals for Quarter 4 (2017/18) and Quarters 1-2 (2018/19).

Ms Adrien referred Members to the tables of information detailed at 5.4 of the report which set out the case details and the outcomes achieved.

Following a short discussion Members of the Committee noted the progress being made in relation to the number of prosecutions undertaken by the Licensing Enforcement Team and asked what happened to the monies recovered. Ms Adrien confirmed monies would be reinvested in the pursuit of prosecuting those who were in breach of their licence.

Members welcomed the report and

RESOLVED

To **NOTE** the report and results of the prosecution and appeals detailed within the report.

4. ANY OTHER BUSINESS CONSIDERED TO BE URGENT

There were no items of urgent business to consider at the meeting.

The meeting ended at 8.05 p.m.

Chair for the meeting, Councillor Ehtasham Haque
Licensing Committee