

LICENSING COMMITTEE

Tuesday, 21 May 2019 at 7.00 p.m.

Committee Room 3, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

<u>Members:</u>	Ward Represented
Chair: Councillor Ehtasham Haque	Blackwall & Cubitt Town;
Vice-Chair:	
Councillor Faroque Ahmed	Whitechapel;
Councillor Rajib Ahmed	Lansbury;
Councillor Sufia Alam	Poplar;
Councillor Shah Ameen	Whitechapel;
Councillor Shad Chowdhury	Spitalfields & Banglatown;
Councillor Peter Golds	Island Gardens;
Councillor Mohammed Ahbab Hossain	Bethnal Green;
Councillor Eve McQuillan	Bethnal Green;
Councillor Victoria Obaze	Whitechapel;
Councillor Mohammed Pappu	Blackwall & Cubitt Town;
Councillor Leema Qureshi	Spitalfields & Banglatown;
Councillor Zenith Rahman	Bromley North;
Councillor Gabriela Salva Macallan	St Peter's;
Councillor Dan Tomlinson	Bromley North;

[The quorum for this body is 3 Members]

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
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Web: <http://www.towerhamlets.gov.uk/committee>

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an electronic
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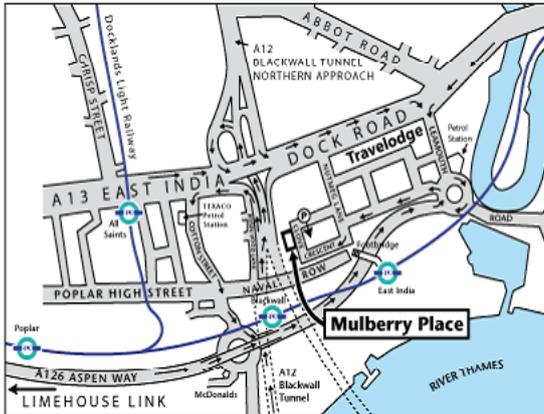
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APOLOGIES FOR ABSENCE

1. APPOINTMENT OF VICE-CHAIR

To receive nominations for the appointment of the Vice-Chair for the municipal year 2019-2020.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 5 - 8)

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

	PAGE NUMBER	WARD(S) AFFECTED
3. MINUTES OF THE PREVIOUS MEETING(S)		

9 - 16

To confirm the minutes of the meeting of the Licensing Committee held on 14th March 2019 as an accurate record of the proceedings.

4. ITEMS FOR CONSIDERATION

- | | | | |
|-------------|--|----------------|------------------|
| 4 .1 | Licensing Committee, Terms of Reference, Membership, and Quorum | 17 - 24 | All Wards |
| 4 .2 | Establishment of Licensing Sub Committees, Terms of Reference & Meeting Dates | 25 - 30 | All Wards |

Next Meeting of the Licensing Committee

Tuesday, 3 September 2019 at 6.30 p.m. to be held in The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 14 MARCH 2019

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Zenith Rahman (Chair)
Councillor Shad Chowdhury (Vice-Chair)
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Shah Ameen
Councillor Peter Golds
Councillor Ehtasham Haque
Councillor Mohammed Ahbab Hossain
Councillor Tarik Khan
Councillor Puru Miah
Councillor Leema Qureshi
Councillor Dan Tomlinson

Apologies

Councillor Eve McQuillan
Councillor Ayas Miah
Councillor Victoria Obaze

Others Present:

Mr David Hislop	– Counsel for Applicant Item 3.1
Ms Ying Zhou	– Applicant Item 3.1
Hsin-Yi Ching	– Interpreter Item, 3.1
Joey	– Applicant's Friend

Officers Present:

Charlotte Basten	– (Environmental Health Officer)
Tom Lewis	– (Team Leader - Licensing Services)
Natalie Thompson	– (Environmental Health Officer)
David Tolley	– (Head of Environmental Health and Trading Standards)
Vivienne Walker	– (Senior Prosecution Lawyer)
Farhana Zia	– Senior Committee Services Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes from 13th December 2018 were agreed and approved as an accurate record of the meeting.

3. ITEMS FOR CONSIDERATION**3.1 The London Local Authorities Act 1991 Application to renew a Special Treatment Licence Redbud (London) Limited t/a Oasis Spa**

Ms Natalie Thompson, Principal Environmental Health Officer informed members the application before them was to consider the renewal of a Special Treatment Licence for Redbud (London) Ltd t/a Oasis Spa, 1 Whites Row, London E1 7NF.

Ms Thompson stated that the Licensing Authority was objecting to the renewal of the licence following evidence obtained that services of a sexual nature were being offered by the business at the premises. Ms Thompson stated the business was being prosecuted by the Council for breaching the conditions of the licence and the matter was listed for trial for the 27th March 2019 at Thames Magistrate Court. Ms Thompson referred members to paragraphs 3.1, 3.2, 3.3 and 3.4 of the report which gave further details of the circumstances for which a Special Treatment Licence is required. Ms Thompson also referred Members to paragraph 4.4 which listed the grounds for refusal, in accordance with the London Local Authorities Act 1991.

Ms Charlotte Basten, Environmental Health Officer provided Members with a detailed account of the investigation she had undertaken. She said the team had conducted an investigation of the premises and had employed a test purchasing company to conduct test purchases. The table at 8.1 of the report was amended and copies were handed to Members and the Applicants at the meeting. This document showed the number of visits made since the licence had been in place.

Ms Basten stated three test purchases had been carried out, of which the one conducted on the 27th March 2018, showed services of a sexual nature were being offered at the premises. Ms Basten referred members to her report at page 53 and drew attention to the test purchaser's witness statement at page 95 of the agenda which gave details of the test purchase.

Ms Basten stated further breaches had been observed, with the company not employing any female masseuses that were registered with a professional body approved by the Council. Therefore masseuses, without the correct qualifications are not allowed to massage anyone of the opposite sex below the neck and above the knee. In addition to this further evidence from an

online website confirmed services of a sexual nature were being offered at the premises.

Ms Basten stated the Licence Holder, Ms Zhou was listed as the Director of the business and the application for the renewal of the licence had been made by Ms Zhou.

Ms Basten asked Members of the Licensing Committee to refuse the renewal of the Licence based on the evidence before them.

Ms Zhou, the Licence Holder was also present at the meeting and was represented by Mr David Hislop QC with the assistance of an interpreter.

Mr Hislop cross-examined Ms Thompson and Ms Basten on the evidence submitted before proceeding to present his clients application. The following was noted from the cross-examination:

- Ms Thompson in reference to page 20 of the agenda pack, and the bullet points summarising the events, confirmed she had not made independent enquiries to verify the alleged occurrences.
- In respect to Appendix 4, page 53 of the agenda pack and the supplementary agenda page 29, Ms Thompson was asked if she had queried this with the Council's legal team. Ms Thompson stated she could not say why there was a contradiction in the statement at paragraph one and the screenshot of the plea entered. Ms Vivienne Walker, Legal Advisor to the Committee interjected stating that the screenshot did not conclusively state which of the three charges Ms Zhou was pleading not guilty to. She said that the charges would be put again to Ms Zhou at the trial hearing on the 27th March 2019 and questioned the relevance of Mr Hislop's questioning.
- Counsel asked Ms Basten why at paragraph three, page 53 of the agenda pack she had described the following, as to what had occurred. "*The therapist ... towards the end of the massage started grazing his crotch area*" when the Test Purchaser had stated in his statement page 95 that "*the female began to service the tops of my thighs, grazing my underwear as she did so.*" Mr Hislop argued that the statements were contradictory because the 'crotch area' was not mentioned in the Test Purchaser statement just 'his underwear'. The Test Purchaser was present at the meeting and was asked to verify what had indeed occurred. The test purchaser confirmed the masseuse massaged the backs of his legs but continued further up his boxer shorts pushing them up. At this point members queried the relevance of this questioning. Ms Walker stated these matters would be for the trial judge to decide and reiterated the Licensing Committee was a quasi-judicial body who were meeting to decide if the application for the renewal of the licence should be granted or refused.
- Counsel for the Applicant also enquired if the Licensing Authority would accept further conditions to be added to the licence if it were to be

granted. Ms Basten made clear this would be the decision of the Committee and therefore could not express a view.

Mr Hislop QC then proceeded to make his submission to the Committee. Mr Hislop asked questions of his client Ms Zhou through her interpreter.

- Mr Hislop asked his client Ms Zhou to confirm her witness statement in the supplement agenda at pages 39 to 45. Ms Zhou answered it was her statement and that it was a true and correct record.
- Mr Hislop asked his Client to confirm if the letter at page 47 was from her accountant, in which Ms Zhou is described as a reliable and efficient person. Ms Zhou confirmed 'yes'.
- Mr Hislop asked his client if she knew about condition 12 of the Licence that she must employ therapists who are on the Council's approved list of professional bodies. Mr Hislop asked his client if she had approached a professional body with the view of getting her employees registered with them. Ms Zhou confirmed she had made enquiries.
- Mr Hislop asked his client if she would agree to an extra condition being placed on the licence that two female members of staff, who are certified by the professional bodies are present on the premises at all times, if the Council were minded to grant the licence. Again Ms Zhou stated she would be happy to have this condition placed on the licence if it was granted.
- Mr Hislop asked Ms Zhou to confirm the photographs in the supplement agenda were that of her premises, to which Ms Zhou said 'yes'
- Ms Zhou also confirmed she was present at the case management hearing on the 15th November 2018 and had pleaded not guilty to the charges.

Upon the Applicant's Counsel completing his submission, Members of the Committee asked questions in relation to the application and in response the following was noted. The responses were received via the Applicant's interpreter.

- Ms Zhou confirmed other services such as acupuncture, waxing and make-up services were also provided at the premises.
- Ms Zhou was asked if she was aware that she required female therapists for female customers and male therapists for male customers, in accordance with the conditions of her current licence. Ms Zhou was asked if she had a male therapist. Ms Zhou responded to say "no she did not have any male therapists."

- Ms Zhou was asked why she booked male customers for massage services if she did not have any male therapists. Ms Zhou answered there was a male doctor who could provide the massage.
- The test purchaser was asked if he had been offered a male therapist when he booked his massage. The test purchaser confirmed he was not offered a male masseuse.
- Ms Zhou confirmed that she was the Director of the company since December 2017 and had held the licence for some time. Ms Zhou was unable to answer why she did not know she required male therapists for male customers. She failed to understand she had contravened the conditions of the licence and had not conducted her premises properly. On further questioning Ms Zhou said she had not employed a male masseuse because there were not many male masseuses. Mr Hislop asked his client to confirm if she knew unapproved female masseuses were not allowed to give massages between the neck and the knee. Ms Zhou said she was aware of this however on the day in question, namely the 27th March 2018 she was not at the premises. Mr Hislop referred his client to the photographs in the supplement agenda and asked her to confirm what the notices said and if she had been responsible for putting up the notices in the premises. Again Ms Zhou confirmed she had put up the notices.
- Members enquired why in the supplement agenda, only photographs of the front of the premises had been provided. Members said the side of the building had photographs and/or posters that were not suitable for the passing public to view.
- Ms Zhou confirmed she had an average of five female customers and three or four male customers visiting the premises on any given day.

Mr Hislop was then given an opportunity to sum up his submission. Mr Hislop referred members to the supplement agenda and the evidence therein.

He said the guilty plea was incorrect however acknowledged this would be decided by the Court at the trial hearing on the 27th March 2019. He said the alleged incidents referred to and the breaches of the conditions of the licence would be argued against at the trial. He asked members to bear in mind the steps Ms Zhou had taken the remedy the situation and the safeguards she had put in place. Mr Hislop stated that of the three test purchases, only one was of a sexual nature. The rouge employee was dismissed.

Mr Hislop stated his client had introduced an 'open door' policy whereby a curtain could be drawn over the doorway. However the door remained open during a massage. He said his client was willing to accept an additional condition to be added to her licence; namely, two female therapists who are approved by the professional body would be present at the premises at all times and asked that the licence be granted to his client.

Members adjourned the meeting at 19:54 hours for deliberations and reconvened at 20:25 hours.

Under paragraph 17.6 of the Council Procedure Rules, Councillor Ehtasham Haque asked that it be recorded that he abstained from the vote to agree with the Officer recommendations at paragraph 6.1 of the report. Councillor Puru Miah asked that it be recorded that he disagreed with the officer recommendation at 6.1. Nine Members voted in favour of the recommendation, with one voting not in favour and two members abstaining.

Decision

Accordingly, the Licensing Committee made a majority decision, with one member disagreeing and two members abstaining.

RESOLVED

That the application for the renewal of a Special Treatment Licence, under the London Local Authorities Act 1991 for Redbud (London) Limited t/a Oasis Spa, 1 Whites Row, London E1 7NF be **REFUSED**

As the licence holder has been found to have improperly conducted its business on 27th March 2018, in breach of Condition 7 (b) of the prescribed standard conditions made by the London Borough of Tower Hamlets under section 10 (1) of the London Local Authorities Act 1991:

The refusal to grant the licence was in accordance with paragraph 4.4 of the report as set out under section 8 of the London Local Authorities Act 1991, namely:

- (c) the person concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence; and
- (e) the premises have been or are being improperly conducted.

3.2 Late Night Levy: Annual Review

Mr Tom Lewis, Team Leader for Licensing and Safety presented his report on the Late Night Levy: Annual Review. Mr Lewis stated report was to note the work achieved by the levy. Mr Lewis said the Late Night Levy had come into effect in January 2018 whereby licence premises holders who were permitted to sell alcohol between the hours of 00:00 hours (midnight) and 06:00 hours (6am) were required to pay the Late Night Levy.

Mr Lewis referred members to paragraph 6.1 of the report which showed the income generated and paragraphs 7.1 and 7.2 which gave further information of the initiatives introduced. Mr Lewis also explained the outcomes as set out at paragraph 7.3 of the report.

In response to questions from Members the following was noted:

- New initiatives had been identified for the surplus monies of £111,335 and this would be spent by next year.
- Mr Lewis confirmed he expected the budget for the Late Night Levy to remain the same.
- Members of the Committee congratulated Mr Lewis and his team for what they had achieved.

Members of the Sub-Committee **RESOLVED** to **NOTE**:

1. The work achieved via the levy revenue, the income and the expenditure.

The meeting ended at 9.36 p.m.

Chair, Councillor Zenith Rahman
Licensing Committee

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Non-Executive Report of the: Licensing Committee Tuesday, 21 May 2019	
Report of: Head of Democratic Services	Classification: Open (Unrestricted)
Licensing Committee, Terms of Reference, Membership, and Quorum	

Originating Officer(s)	Simmi Yesmin, Democratic Services
Wards affected	(All Wards);

Executive Summary

This report sets out the Terms of Reference, Membership, and Quorum of the Licensing Committee and the Schedule of Dates for the Municipal Year 2019/2020 for Members' information.

Recommendations:

The Licensing Committee is recommended to:

1. Note its Terms of Reference, Membership, and Quorum as set out in Appendices 1 to this report.
2. Note the proposed new layout of the Terms of Reference that will form part of the new Constitution Review.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required.

2. ALTERNATIVE OPTIONS

- 2.1 This report is for the information of the Committee and no specific decisions are required.

3. DETAILS OF THE REPORT

- 3.1 At the Annual Meeting of the Full Council to be held on 15th May 2019, Council will have re-established the Licensing Committee and will have delegated to this body, a range of duties and responsibilities relating to the licensing function in accordance with relevant legislation.
- 3.2 It is traditional that following the Annual Meeting of the Full Council at the start of the Municipal Year, at which various committees are established, that those committees note their terms of reference for the forthcoming Municipal Year.
- 3.3 Council, on 20th March 2019, agreed a schedule of dates for Committees/ Panels for the Municipal Year 2019/2020. For the convenience of the Licensing Committee Member, the programme for considering the renewal of licences for Sex Entertainment Venues (SEV's) has been included in the schedule. The dates agreed for the Licensing Committee are as follows:-
- 21 May 2019
 - 03 September 2019 (SEV)
 - 10 September 2019 (SEV)
 - 12 September 2019
 - 19 December 2019
 - 19 March 2020
- 3.4 It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and Members as appropriate.
- 3.5 Meetings of the Licensing Committee are scheduled to take place at 6.30pm in the Town Hall, Mulberry Place in accordance with the programme of meetings. Licensing Sub Committees also start at 6.30pm to allow potentially long meetings to end at a reasonable time.

4. EQUALITIES IMPLICATIONS

- 4.1 In drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 There are no specific statutory implications arising from this noting report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific financial implications arising from the contents of this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions to be made by Full Council on 15th May 2019.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Terms of Reference, Quorum and Membership of the Licensing Committee

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A

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Licensing Committee

Summary Description: The Committee is responsible for discharging the licensing functions of the council including determining Licensing policy/procedure (excluding the Council's statement of policy) as well as licensing fees and charges.

The Licensing Committees will appoint a Sub-Committee to undertake the determination of many functions such as the review and approval of alcohol licence applications.

Membership: 15 Members of the Council. No substitute members may be appointed for this committee

Functions	Delegation of Functions
<p>1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to consider and determine any applications for licences not specifically reserved to the Licensing Committee by these terms of reference</p>
<p>2. To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>3. To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</p>	<p>None</p>
<p>4. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</p>	<p>None</p>
<p>5. To consider and determine matters under Section 2 of and Schedule 3 to the Local</p>	<p>The Corporate Director, Place (or any officer</p>

<p>Government (Miscellaneous Provisions) Act 1982 (as amended) regarding the control of sex establishments within the Borough</p>	<p>authorised by him/her) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>6. To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>7. To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2 of the Constitution; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution where the Function has been specifically delegated to the Licensing Committee</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>8. To determine fees and charges for the issue, approval, consent, licence, permit or other registration in respect of Licensing and Registration Functions as set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2 of the Constitution; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution for which the Committee has responsibility</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to determine fees for premises licences in respect of gambling</p>
<p>Quorum: 3 Members of the Committee</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C, Section 5.4 (Licensing Code of Conduct) 	

Licensing Committee Meeting Dates 2019-2020

- Tuesday 21 May 2019
- Tuesday 03 September 2019 (SEV Renewal)
- Tuesday 10 September 2019 (SEV Renewal)
- Thursday 12 September 2019
- Thursday 19 December 2019
- Thursday 19 March 2020

LICENSING COMMITTEE
(Fifteen members of the Council) (No substitutes permitted)

Labour Group (14)

Conservative Group (1)

Ungrouped (0)

Mohammed Ahbab Hossain
 Dan Tomlinson
 Ehtasham Haque
 Eve McQuillan
 Faroque Ahmed
 Gabriela Salva Macallan
 Leema Qureshi
 Mohammed Pappu
 Rajib Ahmed
 Shad Chowdhury
 Shah Ameen
 Sufia Alam
 Victoria Obaze
 Zenith Rahman

Peter Golds

N/A

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>Tuesday, 21 May 2019</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Head of Democratic Services</p>	<p>Classification: Open (Unrestricted)</p>
<p>Establishment of Licensing Sub Committees, Terms of Reference & Meeting Dates</p>	

Originating Officer(s)	Simmi Yesmin, Democratic Services
Wards affected	(All Wards);

Executive Summary

The purpose of this report is to establish the Licensing Sub Committees, note it's Terms of Reference, Meeting Dates, and appoint Licensing Sub Committee Chairs.

Recommendations:

The Licensing Committee is recommended to:

1. Note the Licensing Sub Committee's Terms of Reference and Schedule of meetings attached as Appendix 1 to this report.
2. Agree to the establishment of Licensing Sub Committees to determine applications where representations have been made.
3. Determine how many Licensing Sub Committee Chairs to appoint

1. REASONS FOR THE DECISIONS

- 1.1 This report asks the Licensing Committee to note the terms of reference and meeting dates agreed by Full Council, agree to the establishment of Licensing Sub Committees to consider applications with representations in accordance with the Licensing Act 2003 and consider the appointment of Licensing Sub Committee Chairs.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF THE REPORT

- 3.1 In accordance with the Licensing Act 2003, Full Council at its meeting held on 15th May 2019 will have established a Licensing Committee consisting of 15 Members with powers to appoint Sub Committees to consider and determine Licensing applications.
- 3.2 The Licensing Act 2003 allows a Sub Committee to consist of three Members and the quorum for Sub Committees is also three Members. It is therefore imperative that Members commit to attending Sub-Committee meetings they are appointed to.
- 3.3 The previous Licensing Committee agreed that all Members of the Licensing Committee would be eligible to serve on its Sub Committees and appointed specific Members of the Committee to Chair Sub Committee meetings.
- 3.4 Proportionality rules do not apply to Licensing Sub Committees; a Sub Committee can be constituted with one named Chair and any other two Members. (Wherever possible, and in line with Licensing Guidance, Members will not be asked to consider applications for premises within their Ward).
- 3.5 Although Council has approved a schedule of dates for Licensing Sub Committee meetings, it may be necessary to alter these dates and/or arrange additional meetings depending on the number of applications which require a hearing.
- 3.6 Members are also asked to note the Terms of Reference and the Schedule of Licensing Sub Committee meetings (attached as Appendix 1 to this report).

4. EQUALITIES IMPLICATIONS

- 4.1 In drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 There are no other statutory implications arising from this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific financial implications arising from the proposals within this report. Any costs associated with member attendance and other allowances will be contained within existing budgets.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 6 of the Licensing Act 2003 (“the 2003 Act”) provides that each Licensing Authority must establish a Licensing Committee consisting of at least ten, but not more than fifteen, members of the authority.
- 7.2 The overwhelming majority of contested licence applications will be heard by Licensing Sub Committees. Pursuant to section 9(1) of 2003 Act, a Licensing Committee may establish one or more sub-committees consisting of three members of the committee. Section 10 of the 2003 Act then allows for the Licensing Committee to arrange for its functions relating to contested hearings to be delegated to the sub committees. In order that the Council can deal with the potential large number of contested applications it will be preferable if the Licensing Committee does delegate this function. Further, due to the nature of the Hearing Regulations, Sub Committees will be better able to consider applications much more quickly than the main Licensing Committee.
- 7.3 The delegation of functions not only applies to licensing authority functions under the 2003 Act but also to licensing authority functions under the Gambling Act 2005 (“the 2005 Act”). Section 154(1) of the 2005 Act provides that licensing authority functions under that part of the 2005 Act (that is Part 8) are delegated to a Licensing Committee of the licensing authority established under section 6 of the 2003 Act. Section 154(3) of the 2005 Act provides that section 10 of the 2003 Act applies in relation to functions delegated to the Licensing Committee by virtue of section 154(1) of the 2005 Act.
- 7.4 As the Sub Committee is appointed pursuant to the powers in Section 9 of the Licensing Act 2003, then it is not classed as an advisory or an ordinary Committee/Sub Committee of the Council. Further, as the Sub Committee does not fall within one of the other named categories of bodies for the purposes of section 15 of and schedule 1 to the Local Government and Housing Act 1989 then the Sub Committees do not have to reflect the political makeup of the Council and therefore the proportionality principles do not apply.
- 7.5 Finally, as to the Licensing Committee, section 9(3) of the Licensing Act 2003 gives power to the Licensing Committee, subject to any Regulations made by

Government, that the Committee may regulate its own procedure and that of its Sub Committees.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Terms of Reference, Schedule of Dates for the Licensing Sub Committees

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A

Licensing Sub-Committee

<p>Summary Description: This sub-committee of the Licensing Committee meets to determine a number of licensing matters such as to grant, review or vary a licence submitted under the Licensing Act 2003.</p>
<p>Membership: The membership for each individual meeting is made up of any three Members of the Licensing Committee.</p>
<p>Functions The Sub Committee(s) shall consider applications submitted in accordance with the requirements of the Licensing Act 2003, including:</p>
<p>1. Determination of applications for a premises licence where representations have been made (Section 18(3) of the Licensing Act 2003)</p>
<p>2. Determination of applications for provisional statements where representations have been made (Section 31(3) of the Licensing Act 2003)</p>
<p>3. Determination of applications to vary a premises licence where representations have been made (Section 35(3) of the Licensing Act 2003)</p>
<p>4. Determination of applications to vary a premises licence to specify an individual as premises supervisor following police objection (Section 39(3) of the Licensing Act 2003)</p>
<p>5. Determination of applications for transfer of a premises licence following police objection (Section 44(5) of the Licensing Act 2003)</p>
<p>6. Consideration of police objection made to interim authority notice (Section 48(3) of the Licensing Act 2003)</p>
<p>7. Determination of applications for a review of a premises licence (Section 52(2) of the Licensing Act 2003)</p>
<p>8. Determination of interim steps pending summary review (Section 53A(2)(a) or 53B Licensing Act 2003)</p>
<p>9. Determination of applications for club premises certificate where representations have been made (Section 72(3) of the Licensing Act 2003)</p>
<p>10. Determination of applications to vary a club premises certificate where representations have been made (Section 85(3) of the Licensing Act 2003)</p>
<p>11. Determination of applications for review of a club premises certificate (Section 88(3) of the Licensing Act 2003)</p>
<p>12. Determination of counter notice following objection to a temporary event notice (Section 105(2) of the Licensing Act 2003)</p>
<p>13. Determination of applications for grant of a personal licence following police objection (Section 120(7) of the Licensing Act 2003)</p>
<p>14. Determination of personal licence where convictions come to light after the grant or renewal of the personal licence (Section 124(4) of the Licensing Act 2003)</p>
<p>15. Determination of the review of a premises licence following a closure order (Section 167(5) of the Licensing Act 2003)</p>
<p>Quorum: 3 Members of the Sub-Committee</p>
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C, Section 5.4 (Licensing Code of Conduct)

MEETING DATES 2019/2020

- 3rd June 2019
- 18th June 2019
- 9th July 2019
- 23rd July 2019
- 30th July 2019
- 27th August 2019
- 3rd September 2019
- 17th September 2019
- 1st October 2019
- 15th October 2019
- 29th October 2019
- 12th November 2019
- 26th November 2019
- 3rd December 2019
- 14th January 2020
- 28th January 2020
- 4th February 2020
- 25th February 2020
- 3rd March 2020
- 17th March 2020
- 31st March 2020
- 14th April 2020
- 28th April 2020
- 5th May 2020
- 19th May 2020 (provisional)