

EXTRAORDINARY LICENSING COMMITTEE

Tuesday, 23 June 2020 at 5.00 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

The meeting is open to the public to attend.

Members:

Chair: Councillor Ehtasham Haque
Vice-Chair: Councillor Rajib Ahmed

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

Ward Represented

Blackwall & Cubitt Town;
Lansbury;

Whitechapel;
Poplar;
Whitechapel;
Spitalfields & Banglatown;
Island Gardens;
Bethnal Green;
Bethnal Green;
Whitechapel;
Blackwall & Cubitt Town;
Spitalfields & Banglatown;
Bromley North;
St Peter's;
Bromley North;

[The quorum for this body is 3 Members]

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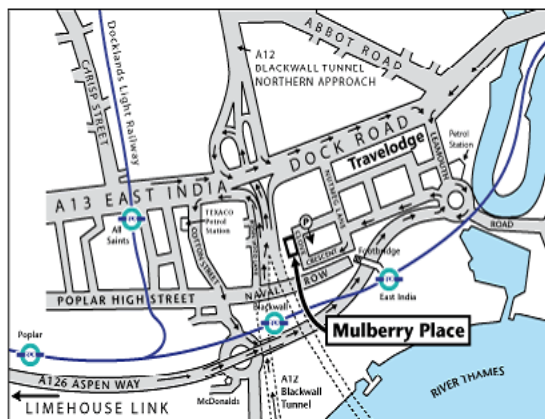
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 5 - 6)

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
2. ITEMS FOR CONSIDERATION		
2.1 Late Night Levy - Annual Review	7 - 16	All Wards

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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a DPI dispensation or for an interest to be treated as sensitive interest.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel: 0207 364 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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>23 June 2020</p>	
<p>Report of: David Tolley Head of Environmental Health and Trading Standards</p>	<p>Classification: Unrestricted</p>
<p>Late Night Levy: Annual Review</p>	

Originating Officer(s)	Tom Lewis Team Leader of Licensing and Safety
Wards affected	All wards

1. Executive Summary

- 1.1 The London Borough of Tower Hamlets (the Council) adopted the Late Night Levy which came into effect on 1st January 2018. From that date, any licence holder permitted to sell alcohol between 00:00 hours (midnight) and 06:00 hours (6am) is required to pay the Late Night Levy. All income raised by the levy must fund activities and resources which benefit the late night economy.

- 1.2 The legislation governing the Levy requires that 70% of the revenue must be paid to the Police and the council may retain 30% of the revenue. However during the consultation for the decision to adopt the levy, the Council obtained an agreement with the Deputy Mayor for Police and Crime (MOPAC) that all of the revenue raised by the levy could be retained by the Council and that the decision of how to spend the revenue would be made through the Community Safety Partnership (CSP).

- 1.3 Section 130 (5) (b) of chapter two of the Police Reform and Social Responsibility Act 2011, requires that the licensing authority must publish an end of year statement of its estimate of the amount for deductions permitted for relevant expenses. This report is to outline what initiatives the levy revenue has funded and the achievements of these initiatives.

2. Recommendations:

The Licensing Committee is recommended to:

- 2.1 Note the work achieved via the levy revenue, the income received and the expenditure and to make any comments for consideration.

3. REASONS FOR THE DECISIONS

3.1 This is a noting report to outline the annual report for 2019/20 of income received, expenditure and initiatives funded by the levy.

4. ALTERNATIVE OPTIONS

4.1 This is a noting report.

5. DETAILS OF THE REPORT

5.1 The levy charge is set by Central Government and is based on the rateable value of the premises. See table below for charges.

Rateable Value	Annual Levy
Band A (Nil - £4,300)	£299
Band B (£4,301-£33,000)	£768
Band C (£33,001-£87,000)	£1,259
Band D (£87,001-£125,000)	£1,365* (£2,730)
Band E (£125,001 and above)	£1,493* (£4,440)

**Those that are band D or E where the main use is the sale of alcohol for consumption on the premises will pay an additional fee.*

5.2 Most premises in Tower Hamlets are rated as band B or C.

5.3 The levy charge is payable at the same time as the Licence Annual Fee is due which falls annually from the date the premises licence was first granted.

5.4 During the transitional period for the levy, the council offered a cost-free minor variation to all licenced premises who wished to reduce their licensed hours for the sale/supply of alcohol to 00:00 hours or earlier so that they were not liable to pay the levy upon its introduction on 1st January 2018. This cost-free minor variation was allowed between 25th September 2017 and 18th December 2017. Any minor variation applications received after this time had to pay the statutory fee of £89, as stated under the Licensing Act 2003, in order for the application to be valid. As a result of this cost-free minor variation 44 premises reduce their licensable hours for sale/supply of alcohol to 00:00 hours or earlier prior to the levy coming into force on 1st January 2018.

- 5.5 Total Income received by the levy in Year 2 (2019/20) was £283, 592
- 5.6 The Council is entitled to deduct its administration costs from the introduction and management of the levy. However it was decided that Council would waive these costs so that all of the revenue could be used to benefit the night time economy within the borough.
- 5.7 Therefore the amount that has been deducted from the levy income for Year 2 is Zero.
- 5.8 In year one the Community Safety Partnership (CSP) was presented with a number of costed options for initiatives to be funded by the levy revenue. Further initiatives were agreed in year 2. Final CSP agreed spend is below. This is shown as the joint committed and actual spend in year 2 (2019/20):

5.9 Committed/actual spend for year 2

- Additional Police Officers on patrol between 11pm to 3am - £28,536
* Annual committed spend is £40, 000.
- Street Pastors - £25,000
*Annual committed spend is £64, 000.
- Officer to Manage the Scheme - £50,000
- Additional street cleansing - £64, 893
- Purchase of four Big Belly Bins - £11,529
- Portable Urinal placed in the borough during the evening/night – £22, 818
- Conflict awareness training Licensed Premises - £7,000 (training for maximum of fifty people)

Total committed/actual expenditure on the above Initiatives = £211,143

Surplus to into year 3 is £86, 658

There is also a contract that is in the process of being signed in relating to the Street Pastors for the value move of £83, 500, and a contract for two portable toilets for the value of £100,000 for the year. Neither of these have been included in the spend for year 2 and will be accounted for in year 3's report.

5.10 Levy Initiatives Roles and Outcomes

5.11 Additional Police Patrols

Role:

- Reduction of crime and disorder link to licenced premises.
- Increase public safety.

- Potential reduction in minor crimes due to more police presence.
 - Potential decrease in street urination.
- 5.12 The Additional Police work a shift pattern of 4 Officer (1 Police Sergeant and 3 Police Constables) working 2 night per week and additional Sunday nights preceding a bank holiday Monday. This number of nights per week change in August 2019 to 3 nights per week with additional Sundays where these preceded a bank holiday Monday.
- 5.13 The Police Patrols continue to be tasked via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards), also invited are all other Responsible Authorities, e.g. London Fire Brigade.
- 5.14 In year 2 (2019/20) approximately 130 tasked patrols of the borough complete were completed by the Additional Police. Their role is to be a uniformed presence on the streets in order to deter crime and disorder and promote a safer night time economy.
- 5.15 There have been a number of positive outcomes from these Additional Police Patrols, such as deterring Nitrous Oxide Sellers in various locations within the borough, promoting Welfare and Vulnerability measures for licensed venues ahead of New Year's Eve and Valentine's Day. Below are just a few more specific examples of the positive impact on the late night economy within the borough:
- Assistance given to licensed premises to safely eject a male from the premises due to causing damage.
 - Arrest of a male for GBH and Knife Point Robbery.
 - Stopping male from urinating in public.
 - Assistance provided to licensed venue in regards to a male that was in difficulties, possible assault. CID called to investigate and male taken to hospital for treatment.
 - Potential overcapacity issue highlighted by a visit. This resulted in investigation with Health and Safety and the London Fire Brigade who worked with the premises and ensure measures were put in place to address the potential overcapacity.
 - Unlicensed Street Food Trader told to close.
 - Detainment of a male for potential sale of Nitrous Oxide for consumption.
 - Preventing a male who appeared drunk from using his motorbike.
 - Arrest of male for robbery in a licensed venue, this was in response to request for assistance from premises.
 - Arrest of male for drunk driving.

5.16 Street Pastor Patrols

Role:

- Increase public safety and wellbeing.
- Deter minor crimes due to uniformed presence.
- Deter street urination due to uniformed presence.

- Promote a safe late night economy.

5.17 The Street Pastor Patrols work a shift pattern of a minimum of 4 Pastors who wear branded high visibility jackets. They currently work 1 night per week (Friday) and are the 'friendly faces on the street'.

5.18 The Street Pastor Patrols are tasked similarly to the police via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards), also invited are all other Responsible Authorities, e.g. London Fire Brigade.

5.19 In year 2 (2019/20) approximately 34 tasked patrols of the borough complete were completed by the Street Pastors. Their role is primarily to engage with businesses and public offering advice and help where needed, and similar to the Police to promote a safer night time economy. They give out items such as water, blankets, lollipops, flip flops etc.

5.20 There have been a number of positive outcomes from these Patrols, such as assistance and food given to homeless and street drinkers in the borough and sign posting to organization such as StreetLink that can help them; assisting public in getting home and providing water to person under the influence of alcohol. Below are just a few more specific examples of the positive impact on the late night economy within the borough:

- Collection of glass bottles and litter from streets on numerous occasions.
- Encourage street drinkers to ensure glass bottles were dissuaded into the bin and to respect person living in the areas regarding noise.
- Flip flops provided to a member of the public out with her husband who said her feet were hurting.
- Pair of gloves given to Security at a licensed venue.
- Assisted person under the influence in getting home by calling them a taxi.
- Intervened in an argument between a couple assisted female.
- Spoke with group of people outside licensed premises being quite loud. Gave lollipops out to them and created a positive atmosphere and encourage them to ensure they did not disturb people who might be sleeping.
- Bottle of water given to female under influence of alcohol and poncho due to the wet weather. Waited to ensure she could get home
- Deterred Nitrous Oxide Sellers and got them to cease selling by handing out lollipops and explaining the role of the Street Pastors.
- Found female under the influence of alcohol offered water and food and waited with her for her boyfriend to pick her up.
- Assisted male under the influence of alcohol to get home via taxi.
- Engage with male who had had phone and travel card stolen, gave new travel card with sufficient money on it for him to get home.
- Directions given to members of the public to assist them in getting home.

5.21 Enhanced Cleaning and Bins

Role:

- Enhanced Cleaning of street to reduce impact of night time economy on day time economy
- Reduce littering

5.22 Four Big Belly smart solar bins were purchased. These have been placed near Bethnal Green station and on Brick Lane. The bins smart bins and have in built compactors to increase the amount of waste they can take before needing to be emptied. These bins are also solar powered and automatically sends a message to the collection service when it is needs to be emptied.

5.23 All bins have signs on them advising that they have been funded by the Licence Trade in Tower Hamlets.

5.24 An enhanced programme of street cleansing across the Borough has commenced. This cleaning is in additional to the normal cleaning completed by the Council and was focused in areas affected or likely to be affected by the night time economy. Below are photographs of the improvements made.



5.25 Portable Urinal

Role:

- Discourage street urination in the borough.

5.26 A pilot project of one 'enclosed style' urinal was be placed on the corner of Sclater Street and Bethnal Green Road, near to Shoreditch High Street Station (see photograph of toilet below). The urinal was delivered to site on Friday and Saturday evening's and collected on the following morning between 4-5am to allow for street cleansing ensuring no negative impact on the day time economy. This pilot ran from September to the end of December 2019.



5.27 On the success of the pilot we have sourced and contracted a provider to deliver two similar style urinals within the borough with a commitment to provide this over a full year. One urinal was to be placed in the same location as mentioned above with the other being placed on Brick Lane. This was due to commence on 20th March 2020 with press and member photographs arranged. However in light of Covid-19 we took the decision with all parties to suspend the start of this initiative until after the pandemic. This will not cause any loss of income for the Council as the provider is happy to delay the start of the initiative given the circumstances.

5.28 Late Night Levy Officer

Role:

- Coordinate the Levy Initiatives,
- Increase in Best Bar None membership,
- Increase in compliance with licensing,
- Better engagement with licensed businesses, with ability to promote national initiatives such as Ask Angela, or Operation Make Safe, WAVE (welfare and vulnerability engagement) Training.

5.29 This post manages the Late Night Levy coordinating the Initiatives funded by the levy. This role also includes attending Pub Watch Meetings, Liaison with the Best Bar None Scheme, which was a runner up for Best over All Scheme Nationally for a second time including attending the Award Ceremony within the House of Lords.

5.30 The post holder role also attends the multi-agency forum to provide a feedback between the levy initiatives weekly outcomes.

5.31 Besides the coordinating of the various initiatives mentioned above the role

has seen promotion of the following projects.

- “Go Before You Go” – Redesign and improvements to the campaign posters, which aims to reduce street urination. This has been provided to all Licensed venues via Pub Watches and Best Bar None Scheme and is available to download for free from the Council’s website. Poster designs are below:



- Licensed Venue Training – this included WAVE training (this includes Ask Angela Campaign), Counter Terrorism, Counterfeit notes, Acid Attack, Operation Makesafe (Hotels Only). Forty businesses received training with approximately 80+ people. Furthermore the Ask Angela Campaign Posters are available from the Council’s website.

This training was further brought to the attention of the Best Bar None and Pub Watches prior to Valentine’s Day night to focus the licensed venues of welfare and vulnerability during this day/night.

6 **EQUALITIES IMPLICATIONS**

6.1 These late night inspections will ensure:

- That Tower Hamlets remains a safe and cohesive Community and a great place to live by dealing accordingly with offending premises and ensuring compliance.
- It ensures it’s a fair and prosperous community by ensuring unlicensed premises are dealt with accordingly and that licensed premises prosper within their permissions granted.

7 **OTHER STATUTORY IMPLICATIONS**

7.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,

- Safeguarding.

7.2 **Best Value Implications**

This work will ensure that licence fees that are due to the Council under the Licensing Act 2003 are received. Those businesses that do not submit their licensing fees will have their licences suspended.

7.3 **Environmental considerations**

There are no adverse impacts identified.

7.4 **Risk Management**

The Council will be at risk of legal challenge if its decision making process on formal action is not transparent and evidentially based in relation to non-compliance of licence conditions.

The impact of business operating without a licence has a potential impact on the local community.

7.5 **Crime and disorder reduction implications**

The enforcement of licence conditions and prosecution of offending businesses both licensed and unlicensed. This assists with the reduction of anti-social behaviour and controls the inappropriate use of alcohol sales and consumption, in addition to identifying localised disturbances around late night refreshment premises.

8 **COMMENTS OF THE CHIEF FINANCE OFFICER**

There are no financial implications directly emanating from this report which provides an update on the use of the night time levy. In 2019/20 the levy generated income of £283,592 which was re-invested into the night time economy. This scheme is ongoing and the income collected will continue to be re-invested in this way, with schemes being approved through the community safety partnership.

9 **COMMENTS OF LEGAL SERVICES**

- 9.1. The late night levy (“the levy”) is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This power allows licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 9.2 The levy must cover the whole of the licensing authority’s area. However, the Council chooses the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.

- 9.3 There are restrictions on the types of services that licensing authorities can fund with the levy revenue to ensure that levy is spent on tackling alcohol related crime and disorder and services connected to the management of the night-time economy. The Council can deduct permitted administration, collection and enforcement costs from the gross levy revenue.
- 9.4 The report at paragraph 1.3 refers to the annual publications requirements in respect of the levy
- 9.5 With regard to the levy revenue, the police are entitled to receive 70% of the net levy revenue. The Council can retain up to 30% of the net levy revenue to fund other activities besides policing and the split is 70%/30%.
- 9.6 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).