

Licensing Committee



Thursday, 17 December 2020 at 5.30 p.m.

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

Agenda

Chair: Councillor Kahar Chowdhury

Members

Vice-Chair: Councillor Shad Chowdhury

Councillor Rajib Ahmed, Councillor Sufia Alam, Councillor Amina Ali, Councillor Shah Ameen, Councillor David Edgar, Councillor Peter Golds, Councillor Mohammed Ahab Hossain, Councillor Eve McQuillan, Councillor Ayas Miah, Councillor Victoria Obaze, Councillor Mohammed Pappu, Councillor Kyrsten Perry and Councillor Zenith Rahman

[The quorum for the Licensing Committee is 3 Members]

Further Information

Reports for consideration, meeting contact details, public participation and more information is available on the following pages.



Public Information

Viewing or Participating in Committee Meetings

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Meeting Webcast

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<http://towerhamlets.public-i.tv/core/portal/home>

Contact for further enquiries:

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Web:<http://www.towerhamlets.gov.uk/committee>

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Licensing Committee

Thursday, 17 December 2020

5.30 p.m.

**PAGE
NUMBER(S)**

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST

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Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. MINUTES OF THE PREVIOUS MEETING(S)

7 - 18

To confirm the minutes of the meeting of the Licensing Committee held on 8th September and 2nd November 2020 as an accurate record of the proceedings.

3. ITEMS FOR CONSIDERATION

3.1 Night-Time Economy Enforcement Update

19 – 32

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

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3.3 Update in relation to Prosecutions and Appeals – Quarters 3-4 2019/2020; Quarters 1-2 2020-2021

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Next Meeting of the Committee:

Thursday, 18 March 2021 at 5.30 p.m. to be held in the Online 'Virtual' Meeting -
<https://towerhamlets.public-i.tv/core/portal/home>

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 dispensation or for an interest to be treated as sensitive.

(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.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 8 SEPTEMBER 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Rajib Ahmed (Vice-Chair)
Councillor Faroque Ahmed
Councillor Sufia Alam
Councillor Shah Ameen
Councillor Shad Chowdhury
Councillor Mohammed Ahabab Hossain
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Leema Qureshi
Councillor Gabriela Salva Macallan
Councillor Dan Tomlinson

Apologies

Councillor Peter Golds
Councillor Eve McQuillan
Councillor Zenith Rahman

Others Present:

Richard Barca – (Legal Representative - Item 3.1)

Officers Present:

Charlotte Basten – (Environmental Health Officer)
Tom Lewis – (Team Leader - Licensing Services)
Venky Ramakrishnan – (Principal Enforcement Lawyer)
Simmi Yesmin – (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of disclosable pecuniary interest made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Committee held on 19 December 2019 and 23 June 2020 were agreed as a correct record of proceedings.

3. ITEMS FOR CONSIDERATION

The order of business was varied by the Chair, for ease of reference the minutes are in the agenda order.

3.1 Application to consider the objection to Sunflower London Ltd, 21 Wentworth Street, London E1 7TB renewing their Special Treatment Licence

At the request of the Chair, Mr Kamal Miah, Environmental Health Officer introduced the report and explained that the Licensing and Safety Team were objecting to the application to renewal of the special treatment licence for Sunflower London Ltd, trading as Healthcare, 21 Wentworth Street, London E1 7TB following evidence obtained that services of a sexual nature were being offered by the business at the premises.

It was noted that the business was prosecuted by the Council for breaches of their special treatment licence. The case was considered by the Thames Magistrates Court on 10 April 2019 when the Company pleaded guilty to the two charges of breaching its special treatment licences.

Mr Miah briefly referred to the reasons for the objection and explained that these would be further explained by the Environmental Health Officer during her submission. Members were then referred to the grounds in which the Council can refuse a renewal application under the London Local Authorities Act 1991.

Members then heard from Mr Richard Barca, Legal representative on behalf of the Applicant and stated that he wished to seek an adjournment on the basis that the Applicant Ms Xiao Qin Song was still in China due to the Coronavirus pandemic, as well as this Ms Song was also having issues with renewing her visa to enter the UK as the consulate were not processing any visa applications currently. On that basis he requested for an adjournment for the hearing of this application as the applicant would not be present to make a submission or answer any questions.

In response to questions from Members the following was noted;

- That this application had been adjourned once before during March 2020 as the Applicant was in China (during the pandemic outbreak)
- That other means of participating in the meeting were offered to the Applicant, i.e. video call, telephone call, written submission or have a representative to participate on her behalf.
- That the Applicant was currently limited to accessing IT applications from China.
- That the application was to determine if the applicant was a fit and proper person so it was important for the applicant to be present.

- Mr Barca was unable to give assurance to the Committee on when Ms Song would return as there was no date for return.
- It was noted that the premises was currently operating in the applicant's absence.

Members deliberated and took a vote and the decision was unanimous. The Licensing Committee **AGREED** to proceed with the hearing in the Applicant's absence.

At the request of the Chair, Ms Charlotte Basten, Environmental Health Officer referred to her objection statement on page 41-42 of the agenda and explained that Sunflower London Limited was prosecuted at Thames Magistrates Court on 19th April 2019. The Company pleaded guilty to the two charges of breaching its special treatment licence conditions.

The business has been investigated and found to be offering services of a sexual nature to customers. A test purchase operative from a company hired by the council to carry out the visit took place on the 9th of January 2020. The operative wrote that during the massage, a female massage therapist called Cindy had asked him to take off his underwear, which he declined. The therapist had then bent down close to his ear and whispered to ask if he wanted something extra. The operative asked what she meant and the therapist made a movement with her hand in a manner indicating masturbation. She then said £20-£30 for a hand job and £50-£60 for a 'hand job' with no clothes on. The operative declined saying he didn't have enough money, but was told he could pay by card, which he declined as well. This was a clear offering of a sexual service in addition to the massage.

Cindy the therapist who offered the sexual services to the test purchase operative is also known as Ms Liyan Guan was not listed as one of the therapists working at Healthcare and therefore had not been approved by the Council to provide massage services at the premises.

Ms Basten stated that the director of the company Xiao Qin Song was responsible for the management of the business and therefore the person concerned in the conduct and management of the premises. Therefore, she should be reasonably regarded as not being fit and proper persons to hold such a licence given the prosecution.

It was noted that under The London Local Authorities Act 1991 the Council may refuse to renew a licence held by a person for grounds mentioned in Section 8 of the Act which include the licence holder not being a fit and proper person to hold a licence (c) the persons giving the treatment not being suitably qualified (d) the premises being improperly conducted (e).

At this point Mr Barca wished to make a submission, The Chair asked Mr Barca if he was presenting in his capacity as a Legal Representative on behalf of the Applicant in her absence. It was initially noted that Mr Barca was only present to make a request for adjournment.

Mr Barca confirmed that he wished to speak on behalf of Ms Song as her Legal Advisor but had limited instructions but was able to make some representations in relation to the application.

Mr Bara stated that it was unfair and unwise to take into account an anonymous email complaint, that the previous convictions and fines had been paid and therefore should not be taken into account. This was as matters had already been presented to the Court and dealt with. He also explained that since the prosecution the premises had been renewed without any objections.

In response to questions the following was noted;

- It was confirmed that since the prosecution in 2019 this was the first renewal application.
- That the applicant had the opportunity to participate in the meeting through the options made available to her.
- That there were difficulties in participating from China.
- Concerns raised that about the history of breaches, and how would members be reassured that this would not happen again.
- Mr Barca stated that it would have been for the Applicant to convince the Members of this, however she was not present to do this.
- Legal powers and advice to the Committee were on pages 14-15 of the agenda.
-

The Committee deliberated in private and the following decision was made;

Decision

Accordingly, the Committee unanimously

RESOLVED

That the Application for the renewal of a Special Treatment Licence, under the London Local Authorities Act 1991 for Sunflower London Ltd, trading as Healthcare, 21 Wentworth Street, London E1 7TB be **REFUSED**.

Upon hearing representations from the instructed solicitor for the applicant for an adjournment as the applicant is abroad and could not attend the committee, the licensing committee unanimously rejected the application.

The Licensing Committee considered the lengthy history of this application (this being an adjourned hearing), the representations made by the objectors, the mediums available for the applicant to attend virtually (notwithstanding the difficulties of doing so from abroad), the interest of justice and public interest test, the human rights act and any prejudice the applicant may have in the absence of her attending. On balance however, the licensing committee considered that adjourning the proceedings would cause further delay and there was no given time in which the applicant was returning to the UK, which was exacerbated by the applicant having visa difficulties. The applicant was represented by a solicitor whom could make representations on the applicant's behalf.

The application for a renewal of a special treatment licence was heard in the absence of the applicant, but with the attendance of the applicant's solicitor whom was given the opportunity to make representations on her behalf.

In reaching their decision the licensing committee unanimously refused to renew the application for a special treatment licence, it not meeting the relevant standard conditions as set out in the London Local Authorities Act 1991.

The Licensing Committee considered the representations made by the applicant's solicitor and the representations made by the objector(s). The committee however, noted that Sunflower London Ltd has been the subject of a criminal prosecution at Thames Magistrates Court on 10.4.19, for breaching their licensing conditions by the offering of sexual services (two charges). The company was sentenced to a fine of £500 with associated costs. The director of the company whom has made the application for renewal, was also the director at the time of the criminal proceedings.

There were further incidents of breaches of licensing conditions on 9.1.20 in which a test purchase officer from the Council was offered services of a sexual nature. There has also been a history of previous incidents of concern which the committee gave some consideration to in the preceding five years,

The Licensing Committee therefore refused the applicant's application for a renewal of a special treatment licence on the following grounds:

- (a) There was likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises are put.
- (b) The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could reasonably be regarded as not being fit and proper person to hold such a licence.
- (c) The premises have been or are being improperly conducted.
- (d) The applicant has, within a period of five years immediately preceding the application to the borough council, been convicted of an offence under London Local Authorities Act 1991.

3.2 Alcohol Licensing – temporary off-sales permissions

Mr Tom Lewis, Team Leader, Licensing, introduced the report and explained that the new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the license, whichever would be

earlier. Measures also temporarily suspended existing licence conditions in so far that they are inconsistent with the new off-sales permission.

It was noted that the temporary off sale permission will apply to all licensed premises that are permitted to sell alcohol for consumption on the premises. However, the premises that have had following action in the last 3 years preceding 22 July 2020 would not be eligible for this temporary permission:

- a) a premises licence application where permission for off sales was refused;
- b) a variation of a premises licence seeking permission for off sales refused
- c) a variation seeking to exclude off sales permission granted
- d) a premises license varied or modified by a review hearing to exclude off sales.

Mr Lewis explained that there was no requirement for licensed premises to inform the Council that they intend to use this temporary permission. However, the Government Guidance did state that premises should inform Local Authorities. It was noted that arrangements had been made to record this temporary condition when the Council is informed. It had also been made clear on the Council website the premises should inform the Licensing Team.

In response to questions from Members the following was noted;

- The automatic temporary permission would end on 30th September 2021 unless the legislation is changed by the Secretary of State
- That licensed premises do have to complete a statement that off-sales are authorised under section 172F(2) of the Business and Planning Act 2020 and must have it displayed together with the Licence Summary at the premises.
- That a database had been created to capture and record those premises that have informed Licensing Services that they will be using the temporary permission.
- That there would be a cost element in arranging a letter drop etc to all premises licence holders in Tower Hamlets.
- Members asked that officers explore different ways of informing premises licence holders about this temporary permission.

The Committee welcomed the report.

The Chair moved and it was **RESOLVED**;

1. The report be noted.
2. An update report on the take up of the temporary off-sales permission is reported back to the Licensing Committee at its meeting in March 2020.

3.3 Update in relation to Prosecutions and Appeals – Quarters 3-4 2019/2020 Quarters 1-2 2020/2021

Mr Venky Ramakrishnan, Principal Enforcement Lawyer, briefly introduced the regular noting report which detailed licensing related prosecutions and appeals for Quarters 3 & 4 for 2019-2020 and Quarters 1 & 2 for 2020/2021.

The number of prosecutions over the quarters was noted and it was also noted that two appeals had been dismissed and during Quarters 1 & 2 for 2020/21 no proceedings were concluded due to the Covid-19 pandemic.

Members welcomed the report.

RESOLVED

That the report be noted.

The meeting ended at 8.15 p.m.

Chair, Councillor Ehtasham Haque
Licensing Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 5.15 P.M. ON MONDAY, 2 NOVEMBER 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Kahar Chowdhury (Chair)
Councillor Shad Chowdhury (Vice-Chair)
Councillor Rajib Ahmed
Councillor Sufia Alam
Councillor Amina Ali
Councillor Shah Ameen
Councillor David Edgar
Councillor Peter Golds
Councillor Mohammed Ahbab Hossain
Councillor Eve McQuillan
Councillor Ayas Miah
Councillor Mohammed Pappu
Councillor Kyrsten Perry

Apologies

Councillor Victoria Obaze
Councillor Zenith Rahman

Others Present:

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Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Mohshin Ali	– (Senior Licensing Officer)
Corinne Holland	– (Licensing Officer)
David Tolley	– (Head of Environmental Health and Trading Standards)
David Wong	– (Legal Services)
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)

1. ELECTION OF VICE-CHAIR

The Chair, asked for nominations for the position of Vice-Chair of the Licensing Committee for the municipal year 2020/2021.

Councillor Kahar Chowdhury proposed Councillor Shad Chowdhury for the position. This was seconded by Councillor Ahbab Hossain.

There were no further nominations.

The Licensing Committee;

Resolved

That Councillor Shad Chowdhury is elected as Vice-Chair of the Licensing Committee for the municipal year 2020-2021.

2. DECLARATIONS OF INTEREST

There were no declarations of disclosable pecuniary interest.

3. ITEMS FOR CONSIDERATION**3.1 Licensing Committee, Terms of Reference, Membership, and Quorum**

Simmi Yesmin, Democratic Services Officer, introduced the report and stated that this report set out the Terms of Reference, Membership and Quorum of the Licensing Committee and the schedule of dates for the Municipal Year 2020/2021.

The Licensing Committee;

Resolved

1. That the Terms of Reference, Membership and Quorum as set out in Appendices 1 of the report be noted.

3.2 Establishment of Licensing Sub Committees, Terms of Reference & Meeting Dates

Simmi Yesmin, Democratic Services Officer introduced the report and stated that the report set out the Terms of Reference and meeting dates for the Licensing Sub-Committee for the Municipal Year 2020/2021.

Ms Yesmin stated the report was seeking to determine the number of Licensing Sub-Committee chairs and asked members to either nominate themselves or others for the position.

The following Members were put forward to be Chairs for the Licensing Sub-Committees:

- Councillor Kahar Chowdhury
- Councillor Shad Uddin Chowdhury
- Councillor Peter Golds
- Councillor David Edgar
- Councillor Amina Ali
- Councillor Eve McQuillan
- Councillor Kyrsten Perry
- Councillor Mohammed Pappu

The Licensing Committee;

Resolved


1. That Licensing Sub-Committee's Terms of Reference and Schedule of meetings attached as Appendix 1 to the report be noted.
2. The establishment of Licensing Sub-Committees to determine applications where representations have been made was agreed.
3. Determined how many Licensing Sub-Committee Chairs to appoint.

4. MANDATORY LICENSING TRAINING FOR MEMBERS

The meeting ended at 7.30 p.m.

Chair, Councillor Kahar Chowdhury
Licensing Committee

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Non-Executive Report of the: Licensing Committee 17 th December 2020	
Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	Classification: Unrestricted
Night-Time Economy Enforcement Update	

Originating Officer(s)	Tom Lewis, Team Leader – Licensing and Safety
Wards affected	Whole Borough

1. Summary

- 1.1 This report reviews late night economy in relation to licensed premises undertaken by the Environmental Health and Trading Standards Service. The objective was to manage the late-night premises where intelligence received alleged a contravention of the Licensing Act 2003 and other supporting legislation. The programme utilised Officers from across Environmental Health and Trading Standards. A number of the actions included test purchasing to investigate compliance.
- 1.2 The operation was run biweekly on Friday and Saturday evenings between the hours of 22:00 and 03:00 hours.
- 1.3 These late night visits investigated a variety of alleged breaches, such as:
 - premises undertaking licensable activities without a Licence.
 - premises alleged to be breaching with conditions and restrictions detailed in their licence.
 - licensed premises that have failed to pay the annual Licence fee and/or Late Night Levy Charge and have had their Licence suspended yet have been identified as continuing to carry out licensable activities.
 - premises alleged to be undermining one or more of the Licensing Objectives
- 1.4 This report is concerned with the activities undertaken in 2019/20 and 2020 to date (end of October 2020) and the achievements of these actions.
- 1.5 Due to the ongoing coronavirus pandemic that took hold at the beginning of 2020 these late night activities were suspended during the initial national restrictions period between end of March and end of June 2020. After this date the late night visits recommenced but not on a regular biweekly basis as would normally be the case.

2. Recommendations:

The Licensing Committee is recommended to:-

- 2.1 Note the activity that has been undertaken by the Environmental Health and Trading Standards Service with regards to regulating Late Night Licensed Premises.

3 Reasons for Decisions:

- 3.1 This is a noting report to advise the Licensing Committee on the management of the late-night economy, no decision is required.

- 3 **Alternative Options:** We could decide not to carry out any enforcement activity, but this could lead to widespread non-compliance.

5. Background

- 5.1 There are approximately 1,196 licensed premises within the London Borough of Tower Hamlets. Licensed premises include bars, pubs, clubs, restaurants, off-licenses, late night takeaway, and café type premises. Premises undertaking licensable activities must have a licence under the Licensing Act 2003 authorising them to carry out one or more licensable activities. The licence will state the times they are permitted to carry out these licensable activities and may also have conditions, in addition to the mandatory conditions, specific to the individual premises. All such matters detailed on the licence are to ensure the promotion of the four Licensing Objectives. The late night visits are to check on compliance with the Licensing Act 2003, in respect of premises where intelligence received suggests non-compliance.
- 5.2 Where non-compliance is witnessed and a breach of the Licensing Act 2003 is established, appropriate and proportionate action is taken in line with the Council's Enforcement Policy. This action can include:
 - Warning Letters (including onsite report left),
 - Application to review of premises licence,
 - Investigation for prosecution.
- 5.3 Such formal action is a graduated approach and the type of action will depend on such matters as compliance history of the premises, attitude of Licensee, extent and seriousness of the breach.
- 5.4 As well as formal action these visits have provided evidence to the Licensing Authority (Acting as a Responsible Authority) to make representations against the granting of applications in respect of the Licensing Act 2003.

Late Night visits outcomes

- 5.5 A total of 425 inspections were undertaken in 2019/20 with 35 premises receiving warning letters for non-compliance and 3 receiving a verbal warning. Therefore 8.9% of the premises visited were non-compliant. There were 8 successful prosecutions in 2019/20 and 1 unsuccessful prosecution. Appendix 1 provides a breakdown of visits per ward and Appendix 2 provides a breakdown of warning letters sent per ward.
- 5.6 The non-compliance rate for 2020/21 to date (31st October 2020) is 15% with 8 premises given warnings for Smoke Free, Coronavirus Restrictions, and Licensing out of 53 inspections. Appendix 3 provides a breakdown of visits per ward and Appendix 4 provides a breakdown of warning letters sent per ward.
- 5.7 In 2020/21 there were considerably less visits, though a higher rate of warnings issued in comparison to 2019/20. These visits have not been undertaken in the same frequency as we would normally carry out. This again is due to the restrictions in place in relation to the 10pm curfew which has generally seen good compliance across the borough.
- 5.8 Intelligence gathered as an outcome of these visits has resulted in further investigations for licensing offences and evidence obtained in relation to an ongoing Smoke Free investigation relating to a Shisha bar. There were seven premises prosecuted for licensing offences and one prosecuted for gambling offences.
- 5.9 Appendix 5 demonstrates the number of prosecutions and outcomes during 2019/20 as a result of the late-night inspections.
- 5.10 Appendix 6 demonstrates the number of prosecutions and outcomes during 2020/21 as a result of the late-night inspections.
- 5.11 Appendix 7 shows the current prosecutions that are being worked through in relation to recent late night inspection non compliances.

6 EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications.

7 OTHER STATUTORY IMPLICATIONS

- 7.1 Best Value implications: Ensuring that fees are obtained from regulated commercial activity.
- 7.2 Environmental considerations: There are no environmental implications
- 7.3 Crime reduction: One of the key licensing objectives of the Council ensure that it does not licence premises that are liable to be a source of crime and disorder. The Council supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences. Illegal activity has been proven to occur at the premises.

- 7.4 Safeguarding: premises may employ underage persons or vulnerable adults. Therefore there is a positive safeguarding impact by the Service carrying out these inspections.. We also identify premises that may be selling to underage customers and are then able to take preventative measures.
- 7.5 Risk Management: The Council will be at risk of legal challenge if its processes are not transparent and evidentially based.

8 COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 There are no financial implications emanating from this report which provides an update on the performance of managing the night time economy in relation to contraventions of the Licensing Act 2003 and other supporting legislation. Any costs of inspections and prosecutions are contained within existing budgetary provision managed by the Environmental Health and Trading Standards services.

9 LEGAL COMMENTS

- 9.1 The Licensing Act 2003 objectives are; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The monitoring of and regulation of activities on licensed premises is a function of the Council (*Guidance issued under section 182 the Act*) and appropriate action, including issuing warnings, seeking reviews of the licenses of errant premises and prosecution are all options open to the Council by reference to its enforcement policy.
- 9.2 Other relevant legal considerations are contained in the body of the report

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

Appendix 1: 2019/20 No. of visits per ward

Appendix 2: 2019/20 No. of warning letters per ward

Appendix 3: 2020/21 to date (31st October 2020) No. of visits per ward

Appendix 4: 2020/21 to date (31st October 2020) No. of warning letters per ward

Appendix 5: 2019/20 Successful Prosecutions and outcomes

Appendix 6: 2020/21 to date (31st October 2019) Successful Prosecutions and outcomes

Appendix 7: Total pending investigations per Ward

Appendix 1

2019/20 - No. of visits per ward

Inspections 2019/20	
Ward	No. of visits
Blackwall and Cubitt Town	16
Bethnal Green	40
Bromley North	17
Bromley South	3
Bow East	22
Bow West	7
Canary Wharf	15
Island Gardens	1
Lansbury	9
Limehouse	13
Mile End	22
Poplar	3
St. Dunstan's	13
Shadwell	14
St. Katherine's and Wapping	9
Spitalfields and Banglatown	57
St. Peter's	79
Stepney Green	5
Whitechapel	36
Weavers	41
(blank)	3
Grand Total	425

Appendix 2

2019/20 - No. of warning letters per ward

Warnings 2019/20	
Ward	No. Warning Letters
Bethnal Green	5
Bow East (1 verbal)	2
Bow West	1
Bromley North (1 verbal)	2
Bromley South	1
Canary Wharf	1
Limehouse	2
Mile End	2
Stepney Green	1
Spitalfields and Banglatown	6
St Peter's (1 verbal)	8
Whitechapel	4
Weavers	5
Grand Total	38

Appendix 3

2020/21 to date (end October 2020) - No. of visits per ward

Inspections 2020/21 to date	
Ward	No. Visits
Bethnal Green	6
Bow East	2
Bow West	3
Island Gardens	2
Lansbury	2
Limehouse	1
Mile End	1
St. Dunstan's	6
Shadwell	5
St. Katherine's and Wapping	3
Spitalfields and Banglatown	11
St. Peter's	5
Whitechapel	3
Weavers	2
(blank)	1
Grand Total	53

Appendix 4

2019/20 to date (end October 2020) - No. of warning letters per ward

2019/20 to date	
Ward	No. Warning
St Katherine's Dock and Wapping	2 (1 = Covid Secure, 1 Allowing Household Mixing indoors)
St Dunstan's	1 (Covid Secure Warning)
Shadwell	1 (10pm Curfew Warning)
Mile End	1(Smoke Free Warning)
Whitechapel	2 (1 = Covid 10pm Curfew Warning, 1 = licensing Warning)
Weavers	1 (Licensing Warning)
Grand Total	8

Appendix 5

Premises Prosecuted for breach of Licensing Act 2003:

Hearings Held in 2019-20

1. Super Kebab, 240 Cambridge Heath Road

Offence date: 10th November 2018

Paradise Organic Limited T/A Super Kebab
Breach of Licensing Act 2003 - Section 136

Found carrying out Licensable activities (late Night Refreshment) beyond permitted hours on the Premises Licence on 2nd February 2018 and were subsequently warned. They were then found carrying out licensable activities (late Night Refreshment) beyond permitted hours on the Premises Licence again on the date of the offence.

Registered Licence Holder (Company Prosecuted)

Result:

Fine: £250
Costs: £1,100
Victim surcharge: £30
The total £1,380

2. Bloc/Autumn Street Studios , Unit 3, 39 Autumn Street, E3

Offence Date: 1st April 2018

Mr. Alex Benson (Registered Licence Holder)
Breach of Licensing Act 2003 - Section 136(1)(a)

Sale of alcohol and providing regulated entertainment beyond permitted hours on the Premises Licence. Defendant failed to submit a Temporary Event Notice to carry out licensable activities beyond licensed hours permitted by the Premises Licence.

Result:

Conditional discharge
Costs: £3215.78
Total of £3215.78

3. Brick Lane Brasserie, 67 Brick Lane

Date of Offence: 29th June 2018

SHAMIM, Mohammed, AHMED, Mir Mostak & SALIM, Mohammed (Registered Licence Holders)

Breach of Licensing Act 2003 – Section 136(1)(a) and 136(4)

Test purchase found breach of Touting Condition that prohibits them to tout for business.

Result:

Each defendant fined £250 each.

Total Fine: £750

Costs: £1,590

Victim Surcharge: £30:00/defendant Total: £90

4. The Monsoon, 78 Brick Lane

Date of Offence: 27th July 2018

UDDIN, Shams (Registered Licence Holder)

Breach of Licensing Act 2003 – Section 136(1)(a) and 136(4)

Test purchase found breach of Touting Condition that prohibits them to tout for business.

Result:

Case dismissed as court ruled case should not have been brought before court.

Council to pay defendants cost of £4,100.

5. Wapping Fish Bar, 89 Wapping Lane

Offence Date: 8th June 2018

Mr Das Gupta (Owner of business)

Breach of Licensing Act 2003 - Section 136

Carrying out licensed activity (provision of late night refreshment) without a licence. Premises previously warned and this was the second test purchase where found breaching the Licensing Act 2003.

Result:

Fine: £182

Costs: £675

Victim Surcharge: £30

Total of £887

6. Stop N Shop, 59 Commercial Street

Offence Date: 23rd September 2018

THAKUR, Ashok (Registered Licence Holders)
Breach of Licensing Act 2003 – Section 136(1)(a) and 136(4)

Carrying out licensed activity (sale of alcohol) other than in accordance with the Premises Licence, i.e. selling alcohol beyond permitted hours and at a strength (beer/cider above 5.6% ABV) not permitted by condition of the Premises Licence.

Result:

Fine: £650
Costs: £1,000
Victim Surcharge: £55
Total of £1,705

Further to the above it was noted that Mr THAKUR held a Personal Licence with the London Borough of Hounslow. Therefore the Licensing Team wrote to their counterparts in the London Borough of Hounslow to advise them of the above conviction and that they may wish to revoke his Personal Licence.

7. Food Giant Express, 129 Whitechapel High Street

Offence Date: 5th October 2018

Muhammed Farooq Qureshi (Registered Licence Holders)
Breach of Licensing Act 2003 – Section 136(1)(a) and 136(4) – 3 Charges

Carrying out licensed activity (sale of alcohol) other than in accordance with the Premises Licence, i.e. selling alcohol at a strength (beer/cider above 6.5% ABV) not permitted by condition of the Premises Licence. Failing to ensure at all times when the premises was open that a person who could operate the CCTV system was present as per condition of Premises Licence. Failing to ensure that all training records were retained for 12 months and made available to local authority officers upon reasonable request as per condition of Premises Licence.

Result:

Charged only in relation to selling alcohol at a strength (beer/cider above 6.5% ABV) not permitted by condition of the Premises Licence. Not separate charges for the other two offences.

Fine: £500
Costs: £1,654
Victim Surcharge: £50
Total of £2, 204

8. 1-5 Batty Street

Offence Date: 22nd June 2018

Nijam Miah
Breach of Gambling Act 2005 – Section 33

Allowing unlicensed gambling to take place on the premises.

Result:

Fine: £500
Costs: £500
Victim Surcharge: £50
Total of £1,050

9. Redon, 289 Cambridge Heath Road

Offence Date: 1st January 2019 and 15th June 2019

WALSH, Patrick (Registered Licence Holder)
Breach of Licensing Act 2003 – Section 136 (2 offences)

First offence was allowing licensable activities to take place beyond permitted hour on Premises Licence despite knowing that the Temporary Event Notice (TEN) had been refused. Second offence again allowing licensable activities to take place beyond permitted hours on Premises Licence.

Result:

Fine: £500
Costs: £500
Victim Surcharge: £50
Total of £1,050

Appendix 6

Premises Prosecuted for breach of Licensing Act 2003:

Hearings Heard April 2020 - present

None. The Coronavirus Pandemic has caused the courts to adjourn cases such as those brought under the Licensing Act 2003. As such not hearings have taken place.

Appendix 7

Total pending potential investigations for possible prosecution per Ward:

Ward	Ongoing Investigations for Breach of Potential Licensing Act 2003
Spitalfields & Banglatown	2
Mile End	1
Weavers	2
Whitechapel	1
Grand Total	6

Non-Executive Report of the: Licensing Committee 17 th December 2020	 TOWER HAMLETS
Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	Classification: Unrestricted
Update on the Community & Alcohol Partnership and Best Bar None Scheme	

Originating Officer(s)	Vincent Fajilagmago Licensing Officer – Licensing and Safety
Wards affected	Whole Borough

1 Executive Summary

- 1.1 This report provides an update on the progress of the Community Alcohol Partnership (CAP) initiative in the North East Quarter of the Borough and Best Bar None (BBN) Scheme within the borough 2019-2020 to end of October 2020.
- 1.2 Both initiatives seek to reduce alcohol related harm across the borough and as a result lower alcohol related crime and anti-social behaviour. They are both funded by the Drug and Alcohol Team (DAAT) within the Council, who fund a post to manage and run these initiatives.

2 Recommendations:

The Licensing Committee is recommended to:

- 2.1 To note the work that has been undertaken by the Community Alcohol Partnership (CAP) and Best Bar None scheme (BBN).

3. REASONS FOR THE DECISIONS

- 3.1 To provide members of the Licensing Committee with and update on the achievements of the BBN and CAP in 2019/20 and 2020/21 (to end of October 2020). This is a noting report.

4. ALTERNATIVE OPTIONS

- 4.1 None. Both schemes are non-statutory schemes that reduce alcohol related crime and ASB. The advantages of the cost saving strategies and opportunities revealed in the report will not be reaped to benefit of the local authority and the local community.

- 4.2 Both schemes provide additional benefits beside the main purpose of reducing alcohol related harm within the borough, such as effective and responsive relationship between the licensed premises and Council services and external agencies and council teams to help prevent alcohol related harm.

5. **DETAILS OF THE REPORT**

Best Bar None Award

- 5.1 The Best Bar None (BBN) Award seeks to raise standards within premises licensed for 'on sales' of alcohol. Applicants wishing to achieve the award must demonstrate to assessors that they are above the minimum standard for compliance with licensing, health and food safety and legislation including applicants having to achieve a Food Hygiene Rating Scheme Score of 4 or above.
- 5.2 The BBN system of assessment awards a score and premises will go into certain categories according to their score. Premises with outstanding and high scores are acknowledged as the best in their respective categories during an award ceremony.

Community Alcohol Partnership (CAP)

- 5.3 The Community Alcohol Partnership has a prescribed yet flexible method to address identified issues through education, engagement and enforcement.
- 5.4 The current CAP is focussed on the North East Quarter of Tower Hamlets including Bow East, Bow West, Bromley North Bromley South, Mile End and Lansbury.

Example of Partnership Work - Pre-Covid-19

- 5.5 In December 2019, issues were identified around young people and anti-social behaviour in the Lanfranc Estate from one of the CAP partners - Spotlight Youth Services. From this information the CAP able to make achieve the following:
- Set up a meeting with Council Members Cllr Whitehead and Deputy Mayor Asma Begum and CAP Partners this created a mediation v rigid penalty systems plan to tackle the issues.
 - Assist in arranging an independent translator and finding a family member that could understand the issue on behalf of the family.
 - Achieve engagement with the cohort identified as causing issues within 7 days from the meeting.
 - Work with the Off Licensed Trade in the area and encourage engagement with them and the cohort.

- Change the culture between the Police and Cohort from a “Them and Us perspective to one of engagement and flexible approaches further assisted to deescalate tensions between regulators and the cohort.
- Ensured better ‘visible partnership’ between residents and Officers so as to learn about the issues affecting them.
- Allow partnership work around the young people outside of the controlled environment of the meeting room and the school, which has led to better engagement.
- ‘Partnership presence’ fully engaged 18 young people on the mobile Bus from Community Response and focused on 5 young people in need of immediate support through the engagement.

CAP During COVID-19

5.6 The following points were actions were undertaken to help the schools and the community:

- Connecting to the CAP national office allowed supporting resources to become available to local schools for students studying at home. See Appendix 1.
- Development of an online resource for licensed premises to ensure they have up to date information in respect of the regulations that apply to them.

What went well

- 5.7 The creation of the online portal for documents is a resource allowing service to function during a pandemic, become futureproof and raise the standards of licensed premises in the borough.
- 5.8 The CAP recognises the exemplary Partnership and Youth work by Spotlight Youth Services and Community Response in the work that has taken place in Bow East and West.
- 5.9 The CAP officer would also like to recognise the report by the Youth Service submitted to Cabinet 29th July 2020 offering a ‘detached youth officer that will undertake street-based youth work with hard to reach groups of young people, who have been identified, for example, by the community, police, community safety and schools. Across the four quadrants the detached teams will work in partnership with the community to provide a youth offer in places where young people congregate’.
- 5.10 The CAP recognises and welcomes the Youth Service and its offer of detached Youth Work, which matches many of the recommendations of the CAP reports over the years. This partnership, potential and opportunities can benefit the community and young people for years to come.

Learning Points

- 5.11 Embracing technology allows continuity of service and at the same time allow innovation for improvement to the service. This will allow licensed premises to learn and train, it will also strengthen enforcement in cases of under aged sales for alcohol, acid and knives.
- 5.12 The CAP has taken advantage of cycling opportunities bringing this to other parts of the CAP area and connecting it to the reparation programme for Young Offenders.
- 5.13 The CAP has been providing many solutions over the years, each year bringing strategies for inside and outside the CAP area. This can lead to multiple CAP areas across the borough.

Best Bar None 2019/2020 and 2020/21 (end of October 2020)

- 5.14 2019-2020 has marked the most successful year for the Best Bar None scheme in Tower Hamlets regarding the number of accreditations.
- 5.15 A total of 53 venues applied to the Best Bar None scheme for 2019/2020 this is approximately a 20% rise in applications to the scheme. This can be seen in Appendix 2.
- 5.16 41 venues were awarded the National Standard in Tower Hamlets. This is an increase of approximately 13 % from the previous year of venues awarded Best Bar None Status as seen in Appendix 3.
- 5.17 Best Non-Alcohol drinks category had been added to encourage more options for non-alcohol drinkers and got the licensed trade to start to promote more non-alcoholic drinks across the borough. Further to this National sponsors of the BBN provided the reception as well as Non-alcohol products.
- 5.18 Free Annual training including WAVE training and Counter Terrorism continued for 2019/20 with the addition of conflict management workshop planned. This encourages a safe and well-run night-time economy in the borough.
- 5.19 A list of the winners of each category can be found in Appendix 4.

Best Bar None during COVID-19

- 5.20 The relationship and contact details gained via the BBN scheme enabled the Council to reach out on the evening prior to lockdown in March 2020 to encourage premises to close or close early that weekend thus following central government advice.
- 5.21 Virtual pub watches allowed services such as Licensing, Licensing Police, Health & Safety and Public Health to join the meetings. This and other

engagement with the members of the scheme and Pub Watches enable the Council to keep them abreast of the continuing changes to the legislation and restrictions as the pandemic progressed.

Conclusion

- 5.22 Both CAP and BBN have been effective and popular to its users reducing alcohol related harm and assist in the Council's Covid Response.
- 5.23 The CAP is a leading model of partnership for engaging hard to reach young people, licensed premises and community work with high efficiency in Tower Hamlets. Other partnership models in the same areas are not as established, experienced or effective.
- 5.24 The CAP Partnership national resources have been able to aid schools during the lockdown period.
- 5.25 The popularity and presence of the BBN scheme has enabled it to reach its highest number of applications and accreditations to date.
- 5.26 The relationship of the BBN officer has been vital to the open communication of updates to licensed premises during the coronavirus pandemic.
- 5.27 Having the ability to email from the Licensing work system that can get past the security wall is vital for mass communication to all businesses. Embracing technology that can allow this to happen will aid the whole service.

6 EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications.

7 OTHER STATUTORY IMPLICATIONS

- 7.1 Best Value implications: Ensuring that fees are obtained from regulated commercial activity.
- 7.2 Environmental considerations: There are no environmental implications
- 7.3 Crime reduction: One of the key licensing objectives of the Council ensure that it does not licence premises that are liable to be a source of crime and disorder. The Council supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences. Illegal activity has been proven to occur at the premises.
- 7.4 Safeguarding: There is a positive safeguarding impact. We also identify premises that may be selling to underage customers and are then able to take preventative measures.

- 7.5 Risk Management: The Council will be at risk of legal challenge if its processes are not transparent and evidentially based.

8 COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 There are no financial implications emanating from this report which provides an update on the progress of the Community Alcohol Partnership (CAP) initiative in the North East Quarter of the Borough and Best Bar None (BBN) Scheme within the borough 2019- 2020 to end of October 2020. All costs associated with completing these initiatives are contained within existing budgetary provision.

9 LEGAL COMMENTS

Any legal implications are addressed in the body of the report. See paragraph 7.3

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

APPENDICES:

Appendix 1

Educational Materials offered to secondary schools

SMASHED online

<https://www.smashed-online.com/login/index.php> - course log in

<http://smashedproject.org/access-smashed-online/> - info

Inspired by the touring theatre programme, SMASHED online is an e-learning version of Smashed for UK students aged 12-14 who cannot experience it live. The course is fully linked to the PSHE Associations Programme of Study for the age group.

Alcohol Education Trust (AET)

<https://www.talkaboutalcohol.com> web resource containing information and interactive games for young people.

<https://alcoholeducationtrust.org/teacher-area/getting-started/> Teachers and other educators can download a workbook containing lesson plans and activities for alcohol education lessons.

BBC Just a few drinks

<https://www.bbc.co.uk/programmes/b01qnr62/clips> young people talk about their experiences of alcohol.

Drinkaware

<https://www.drinkaware.co.uk/professionals#educator> free lesson plans and activities for educators.

Parent Resources

Drinkaware

<https://www.drinkaware.co.uk/advice/underage-drinking/how-to-talk-about-alcohol> information and videos on how to talk to your child about alcohol.

Alcohol Education Trust (AET)

<https://alcoholeducationtrust.org/parent-area/> information and leaflets to download for parents.

Alcohol Awareness Week

Alcohol Change uk

<https://alcoholchange.org.uk/get-involved/campaigns/alcohol-awareness-week-1/about-alcohol-awareness-week/take-part-in-alcohol-awareness-week>

information and campaign resources to support alcohol awareness week in November.

Appendix 2

Numbers of applications and accreditations for Best Bar None

BBN	2015	2016	2017	2018	2019	2020
Applications	8	22	40	40	44	53
Awarded	8	9	17	27	36	41
Dropout	0	13	23	13	8	12

Appendix 3

List of Accredited Venues for BBN 2019-2020


28West	The Griff Inn
Backyard Comedy Club	Queen of Adelaide
Big Chill Brick Lane	Jack's Shack
Boisdale	Casa Blue
Café 1001	Redchurch Bar
Commercial Tavern	Silver Barracuda
East London Liquor Company	Silver Sturgeon
Hawkmoor	Star Bethnal Green
Hilton Canary Wharf	Ten Bells
Holiday Inn	The Alchemist
Horn of Plenty	The Buxton
Howling Hops	The Crate
Juju's Bar & Stage	The Culpeper
Ninety One Living Room	The Electric Shuffle
The Boiler House	The Henry Addington
Leonardo Royal Hotel	The Ivy
London Cocktail Club Paradise Row	The Ship
London Cocktail Club Sclater Street	White Hart Brew Pub
Medieval Banquet	Wilton's Music Hall
Novotel Hotel	93 Feet East
Draper	

Appendix 4

The winners of each category

2020	Most Improved	The Culpeper
2020	Best Newcomer	Novotel Hotel Canary Wharf
2020	Community Award	The Ship
	Best of Brick Lane	
2020	Best Pub	The Culpeper
2020	Best Bar	The Big Chill Brick Lane
2020	Best Restaurant	Hawksmoor
	Best of Canary Wharf	
2020	Best Pub	Henry Addington
2020	Best Bar	28 West
2020	Best Restaurant	Boisdale
	Best of the Rest	
2020	Best Pub	Star of Bethnal Green
2020	Best Bar	Back Yard Comedy Club
2020	Best Restaurant	Medeival Banquet
	Best of the Best	
2020	Best Pub	Henry Addington
2020	Best Bar	The Big Chill Brick Lane
2020	Best Restaurant	Medeival Banquet
2020	Best Hotel	Novotel Hotel Canary Wharf
2020	Best Non Alcohol Offer	Boisdale

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Non-Executive Report of the: Licensing Committee 17 th December 2020	
Report of: Corporate Director - Governance	Classification: Unrestricted
Update in relation to Prosecutions and Appeals – Quarters 3-4 2019/2020 Quarters 1-2 2020-2021	

Originating Officer(s)	Agnes Adrien- Head of Litigation
Wards affected	All wards

Summary

- 1.1 At its meeting on 4th June 2013, the Licensing Committee requested that regular reports should be prepared for the Licensing Committee giving details of licensing enforcement activity and specifically as to outcomes of prosecutions and appeals.

- 1.2 This report provides details of completed licensing related prosecutions and appeals for **Quarter 3-4 2019/2020 (October to December 2019 and January to March 2020) and Quarters 1-2 2020/2021 (April to June 2020 and July to September 2021).**

Recommendations:

The Licensing Committee is recommended to:

- 1. Consider and comment upon the information provided in the report.

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 N/A

3. DETAILS OF REPORT

3.1 The London Borough of Tower Hamlets is a Licensing Authority and amongst its functions it is required to ensure compliance with conditions imposed on Premises Licences; take action against unlicensed premises; and act as a respondent on Appeals against decisions of the Licensing Sub-committee in respect of applications that come before it.

3.2 Where the Licensing Authority takes enforcement action to ensure compliance with conditions etc. then it does so in accordance with the Council's Enforcement Policy. The Enforcement Policy provides that the Council's approach to enforcement is founded on firm but fair regulation, around the principles of:

- raising awareness of the law and its requirements
- proportionality in applying the law and securing compliance
- consistency of approach
- transparency about the actions of the Council and its officers
- targeting of enforcement action.

3.3 Further, as a Licensing Authority the Council has a duty under section 4 of the Licensing Act 2003 to carry out its Licensing functions with a view to promoting the Licensing Objectives and in carrying out such functions must also have regard to its own statement of licensing policy and the Licensing Guidance issued pursuant to section 182 of the Licensing Act 2003.

Prosecutions

3.4 During **Quarter 3-4 2019/2020 and Quarters 1-2 2020/2021** the following prosecutions were concluded:

	Quarter 3	Outcome:
		There were no licensing prosecutions concluded in this period. Many previous prosecutions were concluded in the preceding quarters.
1	Quarter 4	Outcome:
	Muhammed Farooq Qureshi/Food Giant Express S136 Licensing Act 2003	Fine £500 Costs £1654 Victim Surcharge £50

	Breach of licensing activity Date of Hearing: 14.1.20 Thames MC	
2	UDDIN, Shams (Monsoon Restaurant) Breach of licence conditions -Touting S136 Licensing Act 2003 Date of Hearing: 31.1.20 Thames MC	No case to answer Defence Cost Order to pay £4100.
	Quarter 1 20/21	No licensing proceedings concluded in this period. This can be partly attributed to the Covid-19 pandemic.
	Quarter 2 20/21	No licensing proceedings concluded in this period. This can fully be attributed to the Covid-19 pandemic.

Appeals

During Quarter 3 2019/20, no appeals were concluded.

During Quarter 4 2019/20 two (2) appeals were concluded

During Quarters 1 & 2 20/21, no appeals were concluded

The outcome of the appeals are set out as follows:

No	Case Details	Outcome
	Quarter 3 2019/20	No proceedings concluded
	Quarter 4 2019/20	Outcome
1	Tanim Superstore 542 Commercial Road, London E1 0HY Appeal against licensing revocation S18 Licensing Act Date of Hearing 21.1.20	Appeal dismissed Costs £2790

	Thames MC	
2	Sushanta Gupta Venue 82, 82A Commercial Street Appeal against licensing decision (refusal to vary premises licence) S35 Licensing Act Date of Hearing 21.1.20 Thames MC	Appeal dismissed Costs £2970
	Quarter 1 20/21	Outcome: No proceedings concluded. This can partly be attributed to the Covid-19 pandemic.
	Quarter 2 20/21	Outcome: No proceedings concluded. This can fully be attributed to the Covid-19 pandemic.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report describes the Council's licensing enforcement activity and the outcomes of prosecutions and appeals for Quarters 3 and 4 of 2019/20 and Quarters 1 and 2 of 2020/21.
- 4.2 The revenue realised from the imposition of costs by the court is received by the Council in order to offset the costs incurred in bringing and defending prosecutions. However, it should be noted that costs are at the discretion of the court and full cost recovery orders may not always be made.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.
- 5.2 The Coronavirus pandemic has had a significant impact on the court process.
- 5.3 Most court hearings relating to licensing issues are not being heard and/or being listed. This was very apparent in the 1st and 2nd Quarter of 2020, when most court hearings were adjourned administratively. This has led to licensing prosecutions and appeals being significantly delayed and listed for hearings months ahead.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

- 6.2 The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3 The exercise of the Council's various enforcement functions consistent with the enforcement policy and its principles should also help achieve the following key Community Plan themes-
- A Safe and Cohesive Community. This means a safer place where feel safer, get on better together and difference is not seen as a threat but a core strength of the borough.
 - A Great Place to Live. This reflects the aspiration that Tower Hamlets will be a place where people live in quality affordable housing, located in clean and safe neighbourhoods served by well-connected and easy to access services and community facilities.
 - A Prosperous Community. This encompasses the objective that Tower Hamlets will be a place where everyone, regardless of their background and circumstances, has the aspiration and opportunity to achieve their full potential.
- 6.4 An equality analysis was conducted prior to approval of the revised enforcement policy by Cabinet on 3 October 2012. A further equality analysis was done on 16th September 2011 in relation to touting prosecutions. It is recognised that Enforcement action may lead to indirect discrimination in limited circumstances but prior to taking any proceedings, an assessment as to whether the case meets the two stages in the Code for Crown Prosecutors is undertaken so that there is both a realistic prospect of a conviction and that it is in the public interest to prosecute. Further, proceedings are kept under review once initiated.

7. **BEST VALUE (BV) IMPLICATIONS**

- 7.1 There are no specific best value implications arising from this noting report

8. **SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment. [

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council's reputation. It is considered that proper adherence to the Council's policies, the Licensing Objectives, the Council's Statement of Licensing Policy and the section 182 guidance will ensure that risks are properly managed.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 One (1) of the four (4) Licensing Objectives is Crime and Disorder and enforcement promotes that Licensing Objective. Enforcement will also play its part in helping to drive down crime and which in turn will reduce fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None
- None

Officer contact details for documents: Ladi Lapite, Interim Principal Enforcement Lawyer, 0207 364 4337.

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