

Licensing Committee



Thursday, 18 March 2021 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 Ahbab 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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Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4120

E-mail: simmi.yesmin@towerhamlets.gov.uk

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Licensing Committee

Thursday, 18 March 2021

5.30 p.m.

**PAGE
NUMBER(S)**

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST

5 - 6

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 - 10

To confirm the minutes of the meeting of the Licensing Committee held on 17th December 2020 as an accurate record of the proceedings.

3. ITEMS FOR CONSIDERATION

3.1 Public consultation on the Cumulative Impact Policies

11 - 36

3.2 Update in relation to Prosecutions and Appeals

37 - 42

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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 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: Janet Fasan, 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 THURSDAY, 17 DECEMBER 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 Peter Golds
Councillor Mohammed Ahbab Hossain
Councillor Eve McQuillan
Councillor Ayas Miah
Councillor Mohammed Pappu
Councillor Kyrsten Perry
Councillor Zenith Rahman

Apologies

Councillor David Edgar
Councillor Victoria Obaze

Officers Present:

Ladi Lapite	– (Principal Enforcement Lawyer)
Tom Lewis	– (Team Leader - Licensing Services)
David Tolley	– (Head of Environmental Health and Trading Standards)
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 8th September and 2nd November 2020 were agreed as a correct record of proceedings.

3. ITEMS FOR CONSIDERATION

3.1 Night-Time Economy Enforcement Update

Mr David Tolley, Head of Environmental Health and Trading Standards introduced the report and explained that the review undertaken by the Environmental Health and Trading Standards Services detailed the late night time economy in relation to licensed premises.

It was noted the operation was run biweekly on Friday and Saturday evenings between the hours of 22:00 and 03:00 hours, 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 and where licenced premises that have failed to pay the annual licence fee and/or late night levy charge and have had their license suspended yet have been identified as continuing to carry out licensable activities or premises alleged to be undermining one or more of the licensable activities.

Mr Tolley said that there were approximately 1200 licensed premises in the borough, and 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. Such as warning letters, application to review the licence or an investigation for prosecution – such formal action is made through a graduated approach.

It was noted that 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 and therefore 8.9% of the premises visited were non-compliant. There were 8 prosecutions and 1 prosecution was lost.

It was further noted that for 2020/21, so far there has been 53 inspections with 8 warnings and 6 prosecutions due to breaches of Covid regulations. It was highlighted that in 2020/21 there were less visits, however a higher rate of warnings were issued.

In response to questions the following was noted;

- Details of the prosecutions that were made against premises.
- That costs to carry out enforcement work were taken from a central fund and the annual licence fees.
- Covid enforcement had started since September allowing officers to issue fixed penalty notices.
- Only police have powers to take enforcement actions over people congregating outside premises.
- The increase in touting in the Brick Lane area would be brought to the attention of the Town Centre Team.
- The night time economy hotspot areas were Brick Lane and Commercial Street.

The Committee welcomed the report.

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

1. The report be noted.

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

Mr Tom Lewis, Team Leader, Licensing, introduced the report and updated the Committee 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 for 2019-2020 (October 2020). It was noted that both initiatives seek to reduce alcohol related harm across the borough and as a result lower alcohol related crime and anti-social behaviour. Mr Lewis explained that the work for this is funded by the Drug and Alcohol Team (DAAT) within the Council, who fund a post to manage and run these initiatives.

Mr Lewis referred to the report and highlighted examples of partnership working, the work undertaken during COVID-19 and what went well and the learning points from these partnership working arrangements.

It was noted that a total of 53 venues applied to the Best Bar None Scheme for 2019/2020 this was approximately a 20% rise in applications to the scheme and 41 venues were awarded the National Standard in Tower Hamlets. This was an increase of 13 % from the previous year of venues awarded Best Bar None status.

Members welcomed the report and the noted the good work done by officers. Concern was raised about delivery drivers congregating outside premises late at night. Mr Lewis said that these issues fall within the police enforcement powers, however he would also raise it with the Health and Safety Team.

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

1. The report be noted.

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

Mr Ladi Lapita, 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 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 6.40 p.m.

Chair, Councillor Kahar Chowdhury
Licensing Committee

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>18th March 20021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: David Tolley Head of Service, Environmental Health and Trading Standards</p>	<p>Classification: Unrestricted</p>
<p>Public consultation on the Cumulative Impact Policies</p>	

Originating Officer(s)	David Tolley: Head of Environmental Health and Trading Standards
Wards affected	St Peters, Bethnal Green, Weavers, Spitalfields and Banglatown

1 EXECUTIVE SUMMARY

- 1.1 Under Section 5A of the Licensing Act 2003 the Council as a Licensing Authority must review its Cumulative Impact Policies every 3 years. The Council has two Cumulative Impact Policies or Cumulative Impact Assessments (CIA) as they are now referred to in the legislation and government guidance. The Council's first CIA in Brick Lane has been in place now for approximately 7 years and the second one, which is in Bethnal Green has been in place for approximately 2 years.
- 1.2 As part of this review of these Cumulative Impact Assessments the Council must carry out statutory consultation in the same way as specified for reviewing the Council's Statement of Licensing Policy. Therefore, the Council must consult those specified in section 5(3) of the Licensing 2003, and subject to the outcome of the consultation, include and publish details of the Cumulative Impact Assessments in their Statement of Licensing Policy.
- 1.3 This consultation commenced on 28th January 2021 and will run until 22nd April 2021. The main options in the consultation are:
 - i. Retain both CIAs (Cumulative Impact Assessments),
 - ii. Retain the CIA for Brick Lane and remove the CIA for Bethnal Green
 - iii. Remove both CIA.

To view the consultation see <https://talk.towerhamlets.gov.uk/e1e2licensing>.

2. RECOMMENDATIONS

- 2.1 The Committee member are recommended to note the consultation.

3 REASONS FOR THE DECISIONS

- 3.1 The Council must review its Cumulative Impact Assessment Policies every 3 years and before publishing a cumulative impact assessment we must carry out statutory consultation providing the following information:
- a) the reasons why it is considering publishing a cumulative impact assessment;
 - b) a general indication of the part or parts of its area which it is considering describing in the assessment;
 - c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

4. ALTERNATIVE OPTIONS

- 4.1 None. The Licensing Act 2003 requires that Cumulative Impact Assessments are reviewed every 3 years and part of this review requires statutory consultation. This is required even if the Council wishes to remove the CIAs.

5. Background

- 5.1 The Cumulative Impact Policy (CIP) was reviewed and updated to make the policy easier to understand and make it clear what authorisations the policy would relate to and how it would be applied. This included clarification that representations in regards to applications within the CIA areas must still meet the normal criteria to be a valid representation and explained that the only difference being that within the CIA areas cumulative effect on the licensing objectives would be considered. The reviewed policy made it clear to applicants of the need for them to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIA Zones and gave some items they may wish to consider. The policy clarified that the CIA areas do not create a stop of the granting of licences within the zones, however it was very clear that where valid representations were received the onus is solely on applicants to adequately rebut the presumption that the application will be refused following a receipt of a valid representation.
- 5.2 Previous consultation completed prior to the adoption of the CIA in Brick Lane and its review, and the creation of the Bethnal Green CIA found that because of the number and density of licensed premises selling alcohol, on and off the premises, and the provision of late night refreshment (sale of hot food after 11pm) within the area of both CIA , there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 5.3 The Licensing Authority therefore took the view that the number, type and density of premises selling alcohol for consumption on and off the premises, and/or the provision of late night refreshment in the areas now designated as the CIA was having a cumulative impact on the licensing objectives. Thus, the CIA was declared in Brick Lane and Bethnal Green.

Brick Lane CIA

- 5.4 Since its introduction incidents of crime and antisocial behaviour linked to licensed premises within Cumulative Impact Assessment (CIA) have seen a reduction despite fluctuating figures. The CIA was reviewed in 2018, which showed that there was evidence for it to remain in place.

The Hot Hotspot Maps A to D in Appendix 1 show that incidents of crime and antisocial behaviour linked to licence premises between 2017 and 2019 have increased, however looking over the life span on this CIZ the overall number of incidents is still less than was seen prior to 2015.

In contrast the tables below show that complaints received by the Licensing and Noise Teams between 2017 and 2020 have remained fairly static.

Row Labels	Nov 17 - Oct 18	Nov 18 - Oct 19	Nov 19 - Oct 20
Brick Lane CIZ Noise Complaints	40	31	30
Brick Lane CIZ Licensing Complaints	59	59	60

Looking at this on a borough wide basis the Spitalfields and Banglatown and Weavers, which are the main wards that the Brick Lane CIA falls within remain consistently one of the highest wards for complaints received by the Licensing Team. This can be seen in Figures 1, 2 and 3 in Appendix 2, which illustrates that these wards have consistently attracted more complaints than other wards in the borough.

The CIA is also reducing the numbers of licence and variation of licence applications granted within the area. The tables below show this reduction and in particular the number of new premises licences granted continues to decrease year on year.

November 2017 to October 2018		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant	2	1
Hearing grant with variation	3	
Hearing refuse	1	
Officer grant	7	4
Total	13	5

November 2018 to October 2019		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation	2	
Hearing refuse		1
Officer grant	3	7
Total	5	8

November 2019 to October 2020		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation	2	1
Hearing refuse		1
Officer grant	1	4
Total	3	6

5.5 This CIA was introduced in November 2018 so has only been in place for just under two years. The Hot Hotspot Maps a to c in Appendix 3 show quite a fluctuation in incidents, with 185 in the area for 2017, reducing to 158 in 2018 and then going up in 2019 to 180. Thus, following the introduction of the CIA in Bethnal Green the incidents have gone up in comparison to the previous year.

5.6 Since its introduction complaints received by the Licensing and Noise Teams have seen a reduction in Noise complaints but no significant reduction in licensing complaints. The reduction in complains received by the Noise Team shows they have decreased by nearly three quarters 2017-18 and 2018-19, and then a Signiant drop in 2019-20, though this could be attributed to the ongoing coronavirus pandemic. See tables below.

	Nov 17 - Oct 18	Nov 18 - Oct 19	Nov 19 - Oct 20
Bethnal Green CIZ Noise Complaints	21	7	1
Bethnal Green CIZ Licensing Complaints	16	13	15

Looking at this on a borough wide basis Weavers and St Peter's wards appear to consistently high numbers of complaints received by the Licensing Team. These are the main wards that the Bethnal Green CIA falls within. This can be seen in Figures 1 to 3 in Appendix 2, which illustrates that these wards have consistently larger numbers of complaints than many of the other wards.

In terms of licence and variation of licence applications granted within the Bethnal Green CIA area these have remained fairly static. This can be seen in the tables below.

November 2017 to October 2018		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant	1	
Hearing refuse		3
Total	1	3

November 2018 to October 2019		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation		1
Officer grant	2	
Total	2	1

November 2019 to October 2020		
Decision	New Premises Licence Application	Variation of Premises Licence Application
Hearing grant with variation	2	2
Total	2	2

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 are no proven safeguarding impacts; however premises that are managed in this way may employ underage persons or vulnerable adults. Therefore there may be 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 seeks to review the Cumulative Impact Assessments that the Council has in place in line with Section 5A of the Licensing Act 2003. Costs associated with undertaking the statutory consultation will be met from within existing budgetary provision

9 LEGAL COMMENTS

- 9.1 Under Section 5A of the Licensing Act 2003 the Council as a Licensing Authority must review its Cumulative Impact Policies every 3 years and part of this review requires statutory consultation. This is required even if the Council wishes to remove the CIAs
- 9.2 As part of the review of Cumulative Impact Assessments, the Council must carry out statutory consultation in the same way as specified for reviewing its statement of licensing policy, consulting those specified in section 5(3) of the Licensing Act 2003 and subject to the outcome of the consultation, include and publish details of the CIA in the statement of licensing policy.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

Appendix One: Hotspot Maps A to D (Brick Lane CIZ)

Appendix Two: Figures 1 to 3 - Complaints received by the Licensing Team by Ward

Appendix Three: Hotspot Maps A to D (Bethnal Green CIZ)

Appendix Four: Web page for the Consultation on Let's Talk

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

- N/A

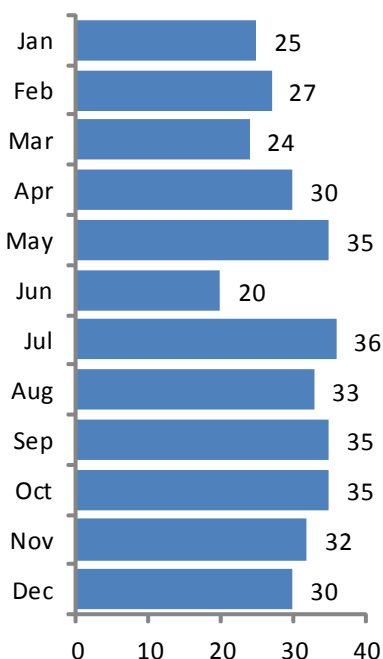
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Brick Lane CIZ



Hotspot Map 2018

Between 1 January 2018 and 31 December 2018 there were 362 incidents of crime or anti-social behaviour which were linked to an establishment licensed to sell alcohol within the Brick Lane CIZ

Incidents per month

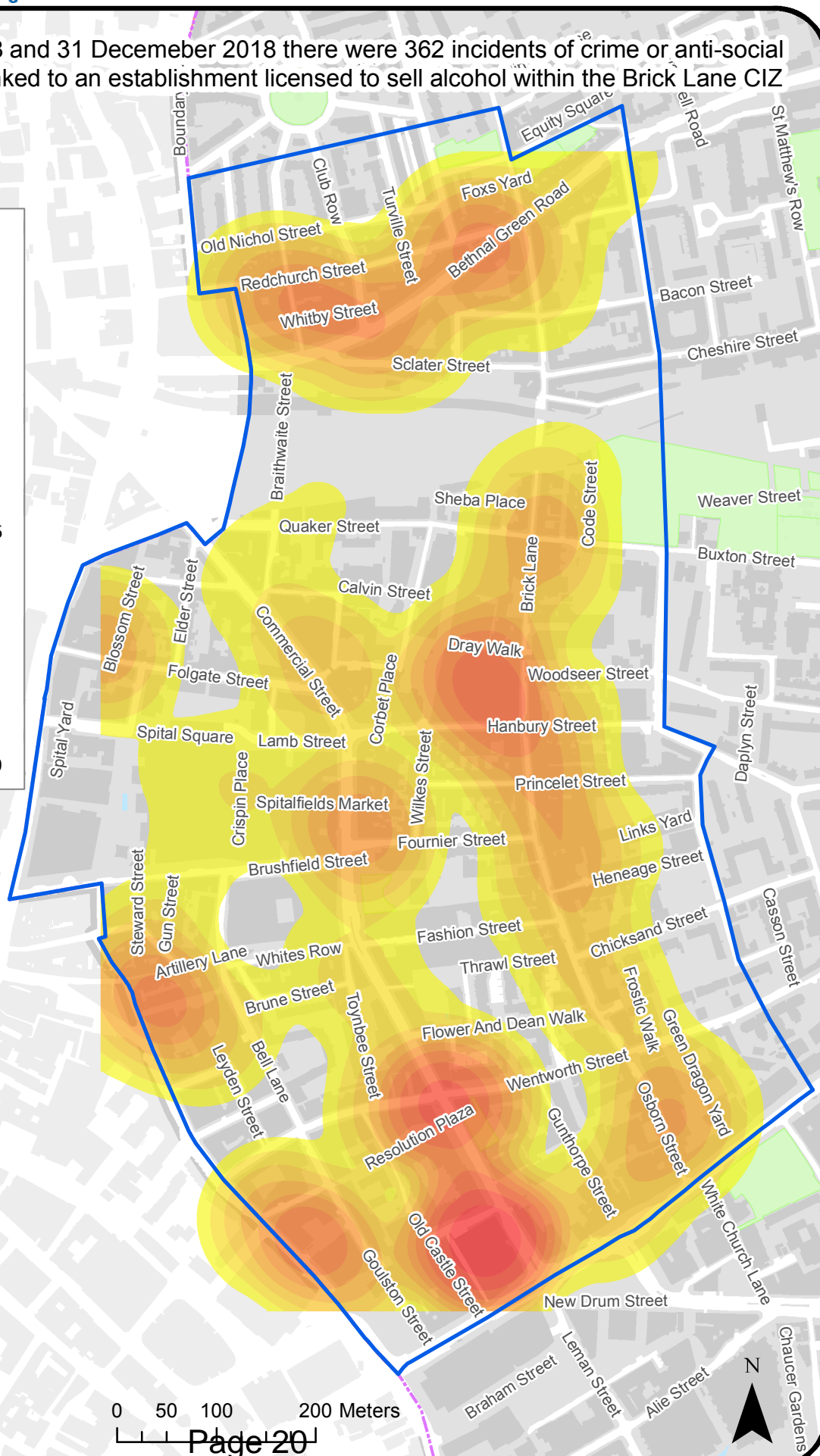


Legend

-  Brick Lane CIZ
-  Borough Boundary

Hotspot Key

-  Low
-  Medium
-  High



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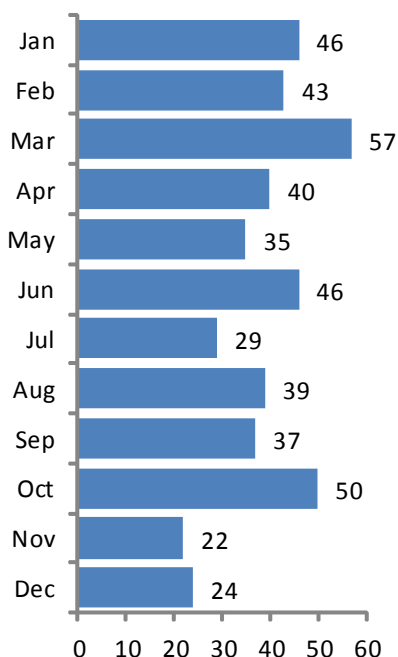
Page 20

Brick Lane CIZ



Hotspot Map 2019

Between 1 January 2019 and 31 December 2019 there were 468 incidents of crime or anti-social behaviour which were linked to an establishment licensed to sell alcohol within the Brick Lane CIZ

Incidents per month

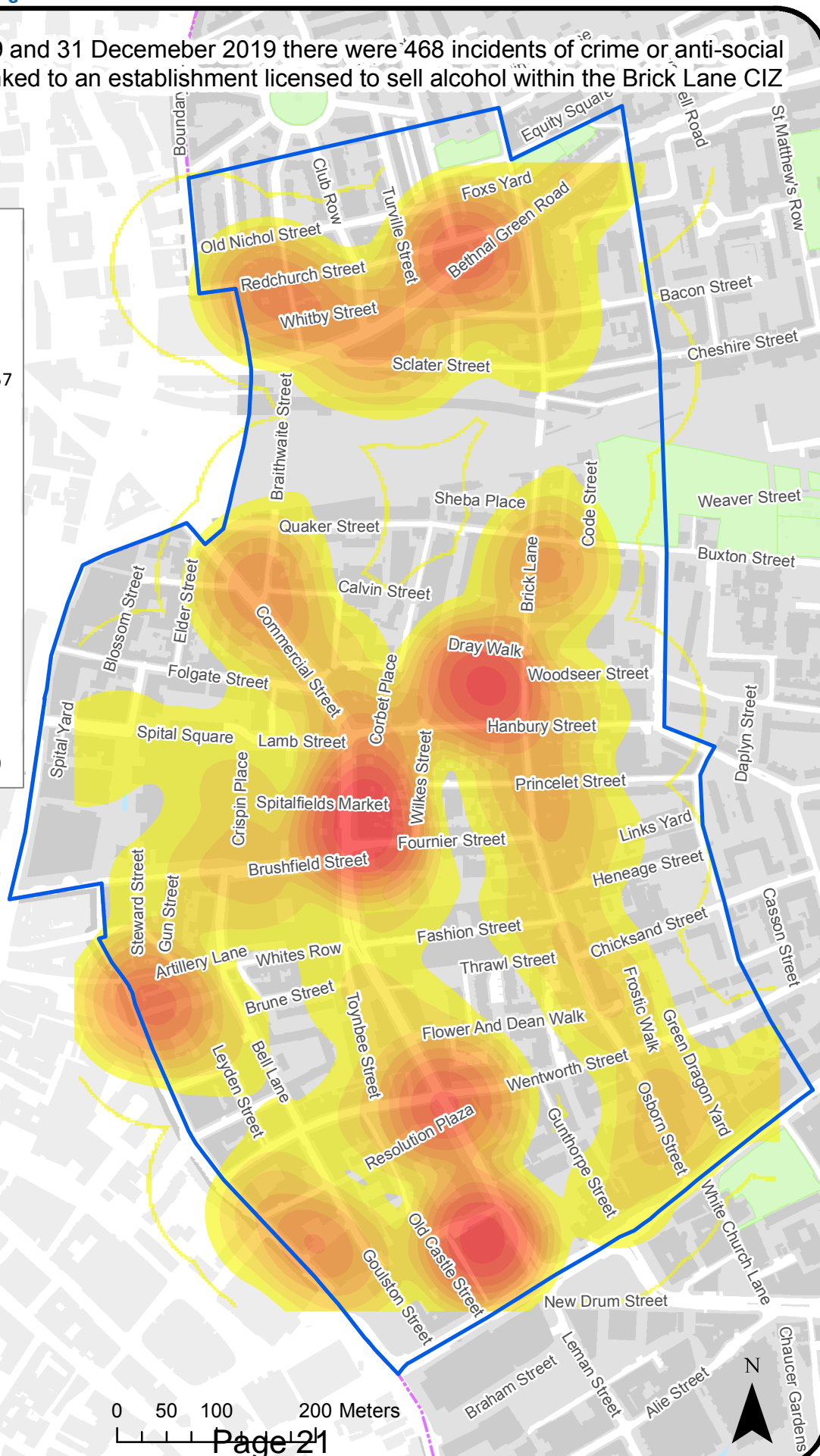


Legend

-  Brick Lane CIZ
-  Borough Boundary

Hotspot Key

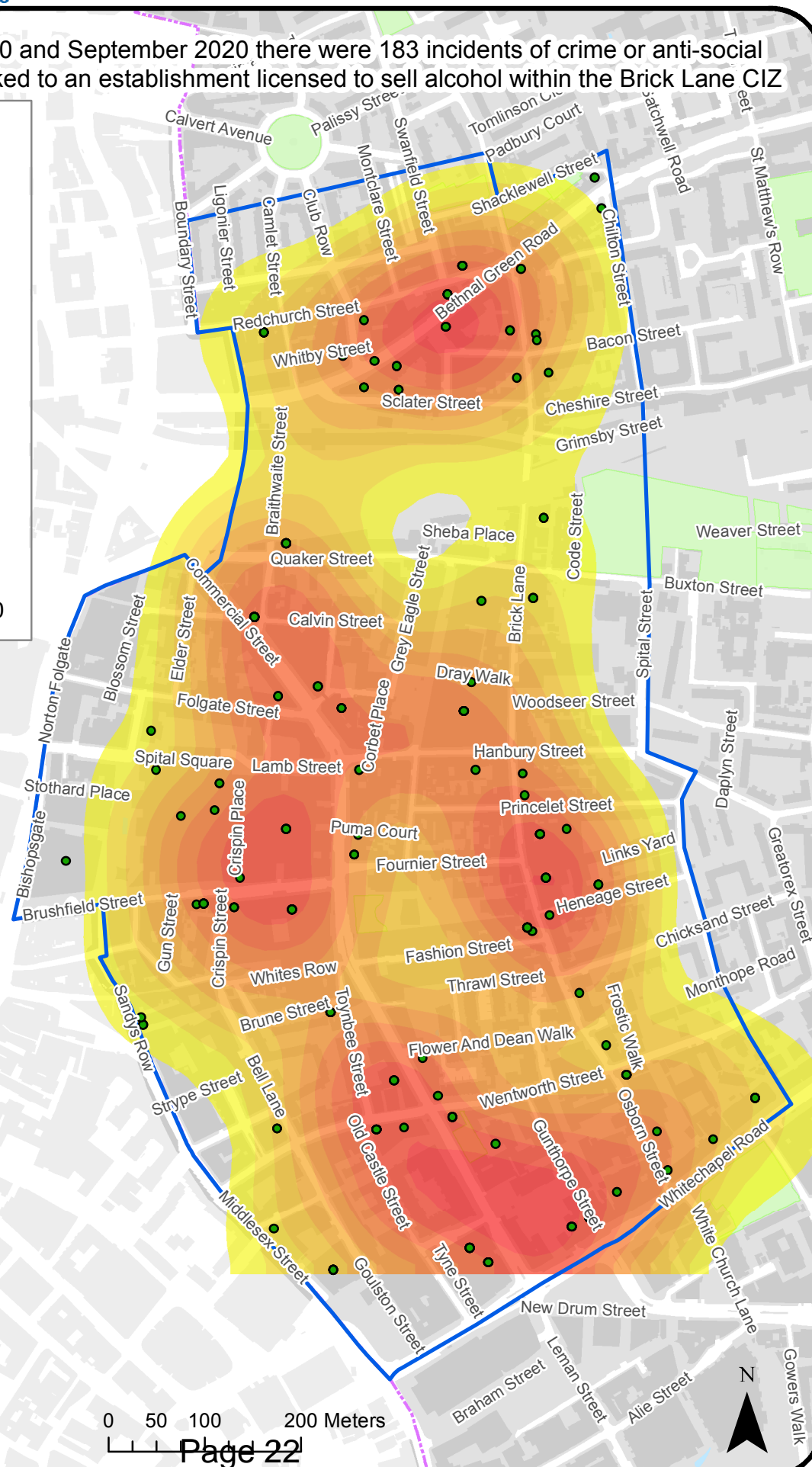
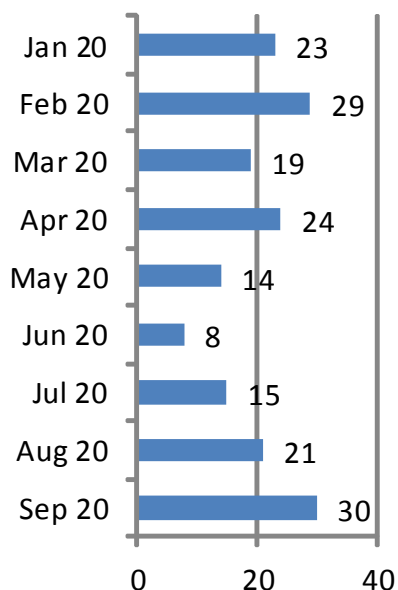
-  Low
-  Medium
-  High



Brick Lane ClZ Hotspot Map 2020

Between 1 January 2020 and September 2020 there were 183 incidents of crime or anti-social behaviour which were linked to an establishment licensed to sell alcohol within the Brick Lane CIZ

Incidents Per Month



Appendix 2 – Complaints received by the Licensing Team by Ward

Figure 1

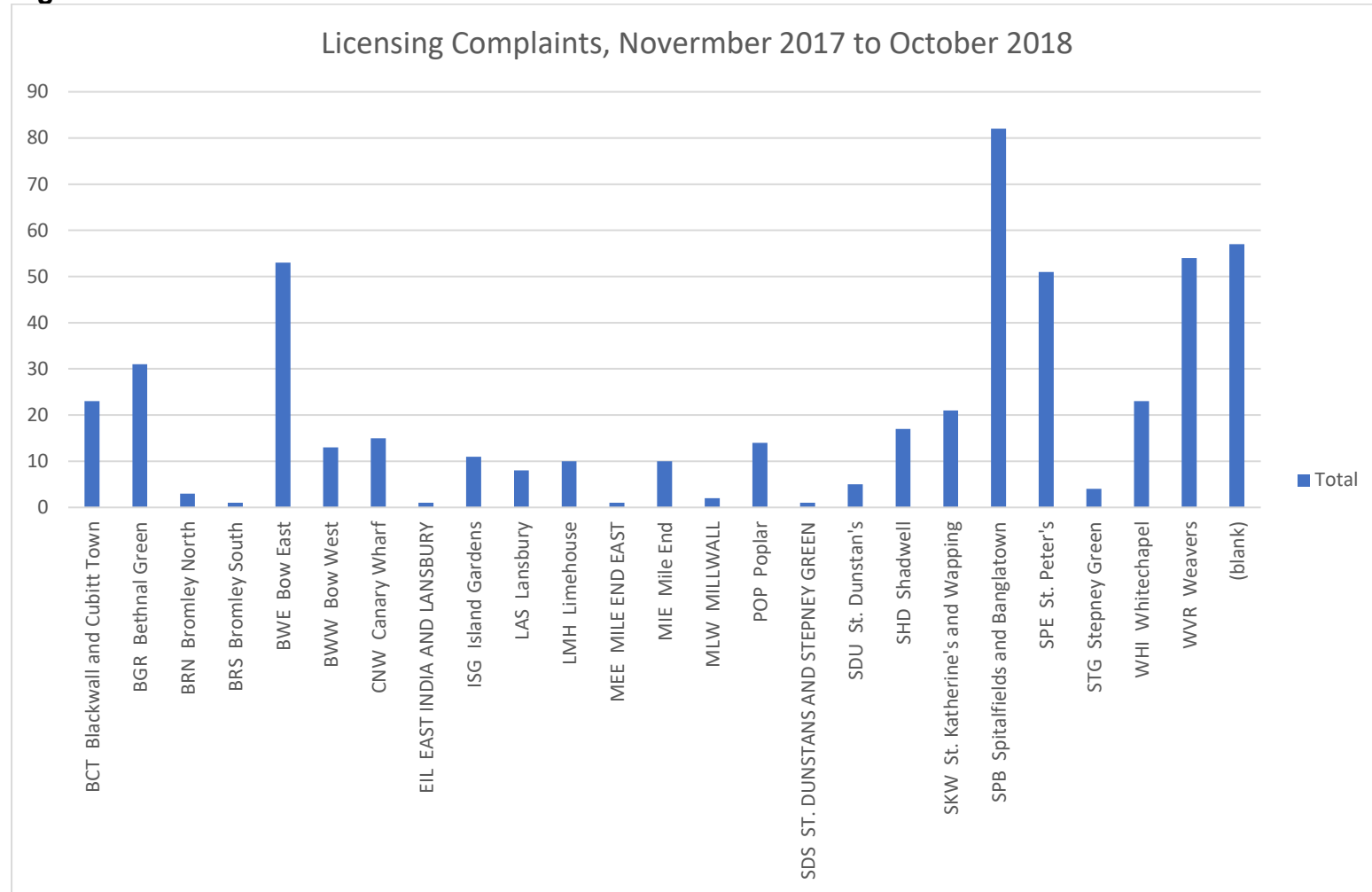


Figure 2

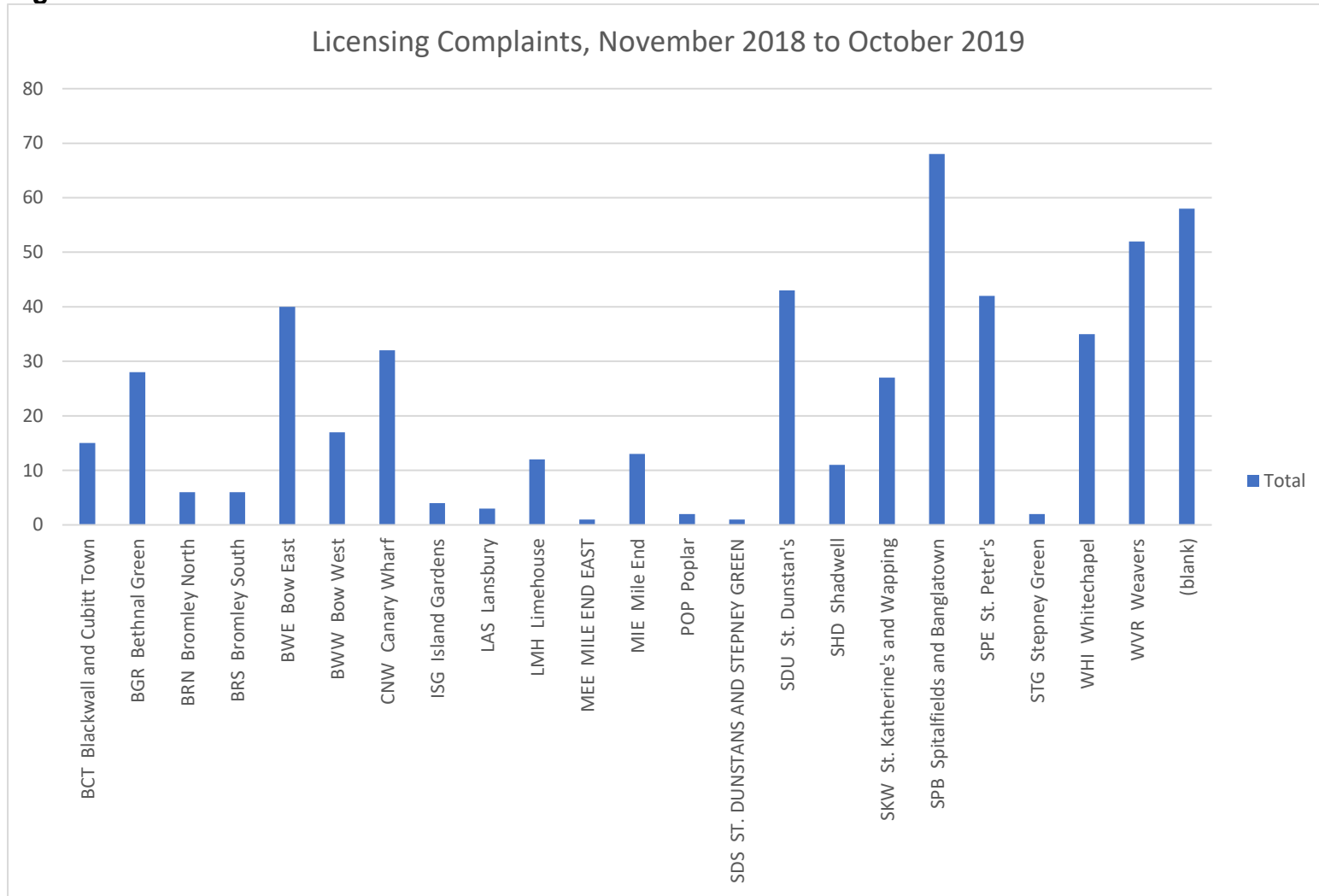
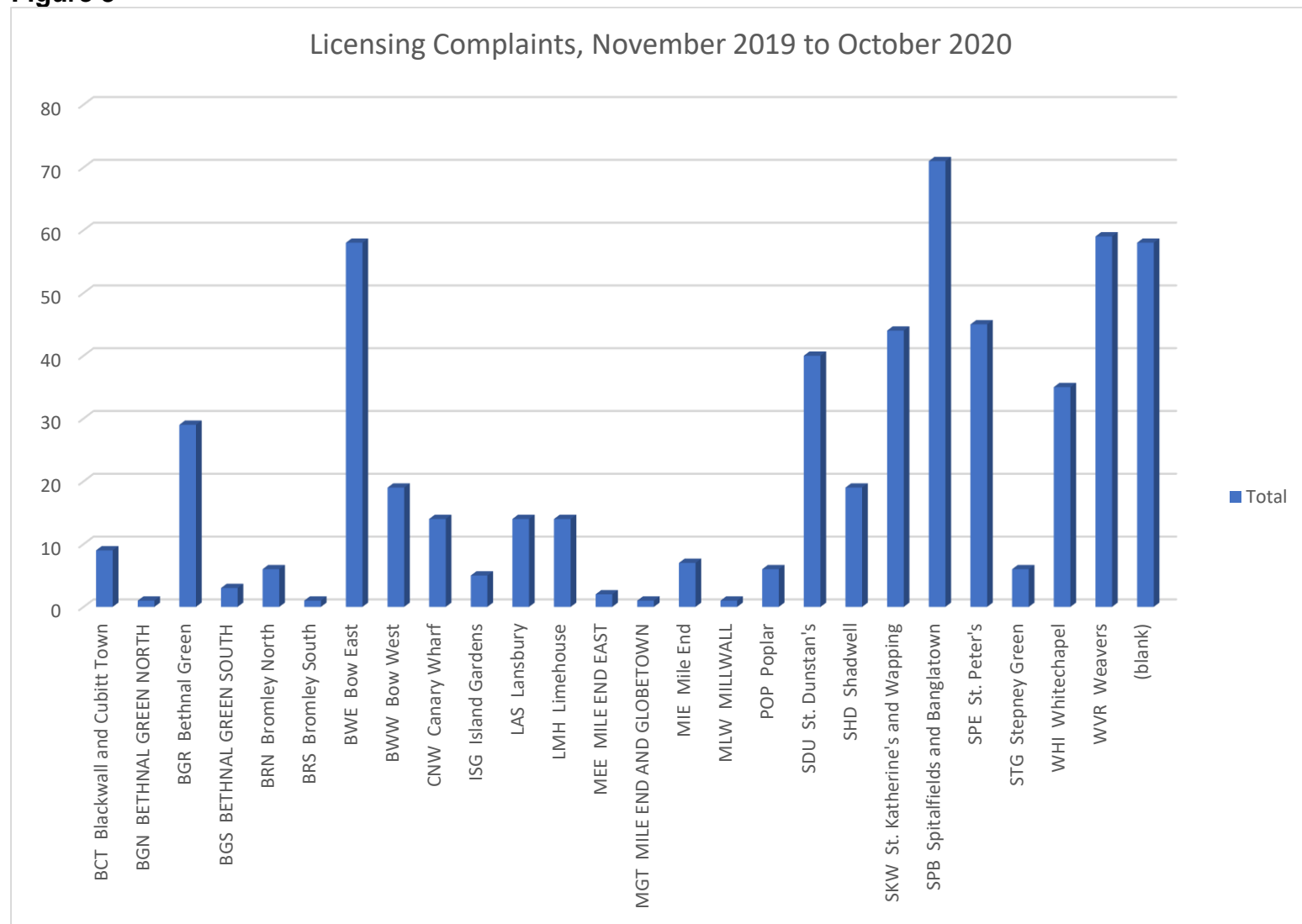


Figure 3

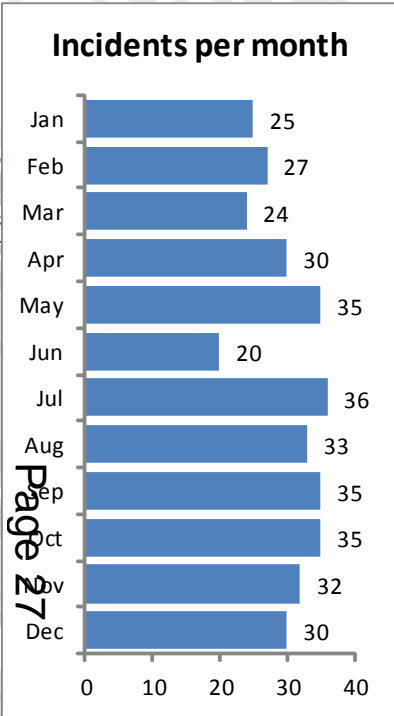


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Bethnal Green CIZ Hotspot Map 2017

Between 1 January 2017 and 31 Decemeber 2017 there were 185 incidents of crime or anti-social behaviour which were linked to an establishment licensed to sell alcohol within the Bethnal Green CIZ

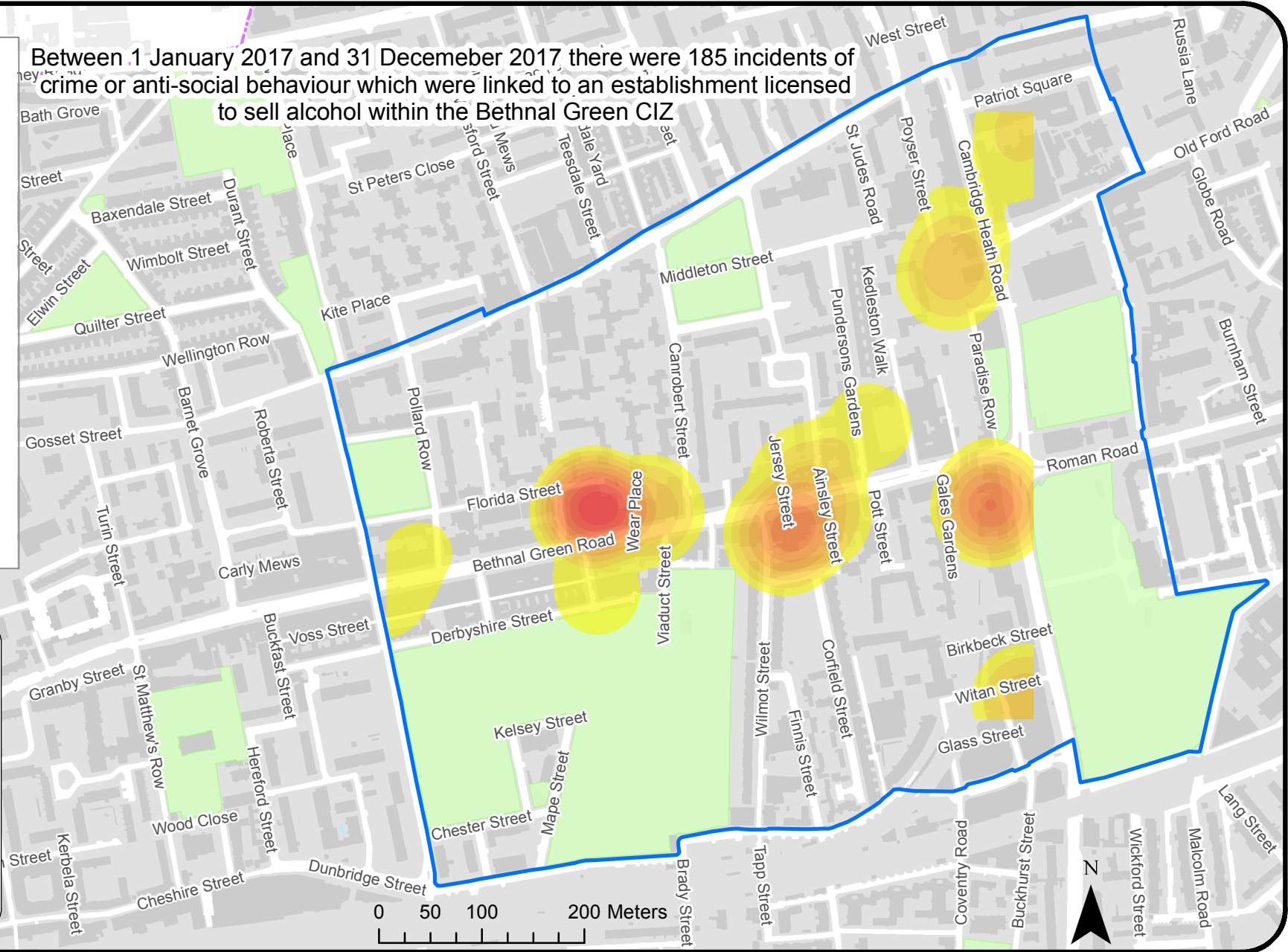


Legend

- Bethnal Green CIZ
- Borough Boundary

Hotspot Key

- Low
- Medium
- High

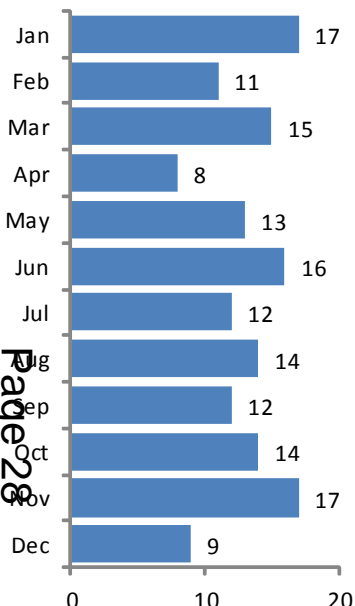


Bethnal Green CIZ



Hotspot Map 2018

Between 1 January 2018 and 31 December 2018 there were 158 incidents of crime or anti-social behaviour which were linked to an establishment licensed to sell alcohol within the Bethnal Green CIZ

Incidents per month

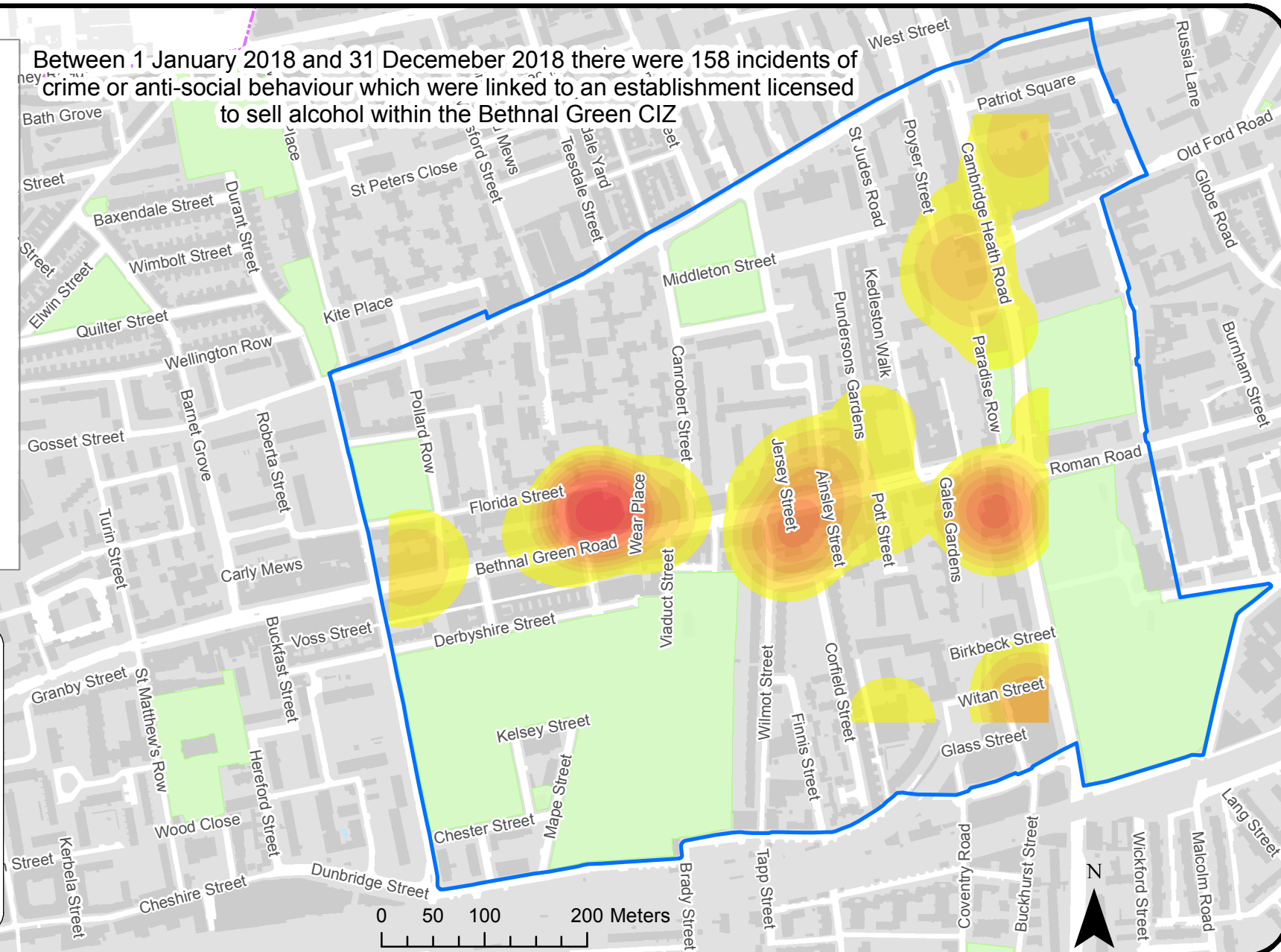


Legend

-  Bethnal Green CIZ
-  Borough Boundary

Hotspot Key

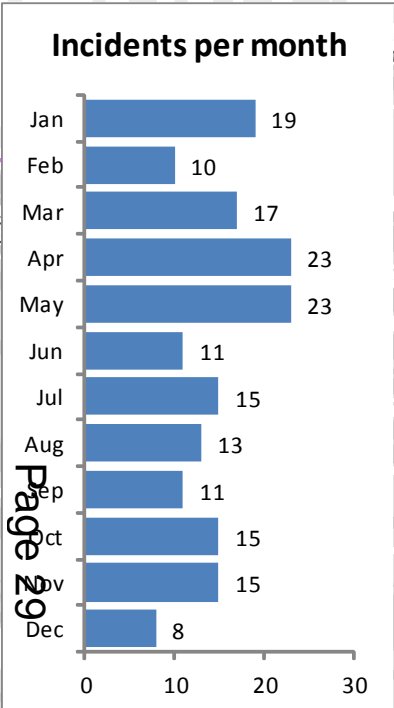
-  Low
-  Medium
-  High





Bethnal Green CIZ Hotspot Map 2019

Between 1 January 2019 and 31 Decemeber 2019 there were 180 incidents of crime or anti-social behaviour which were linked to an establishment licensed to sell alcohol within the Bethnal Green CIZ

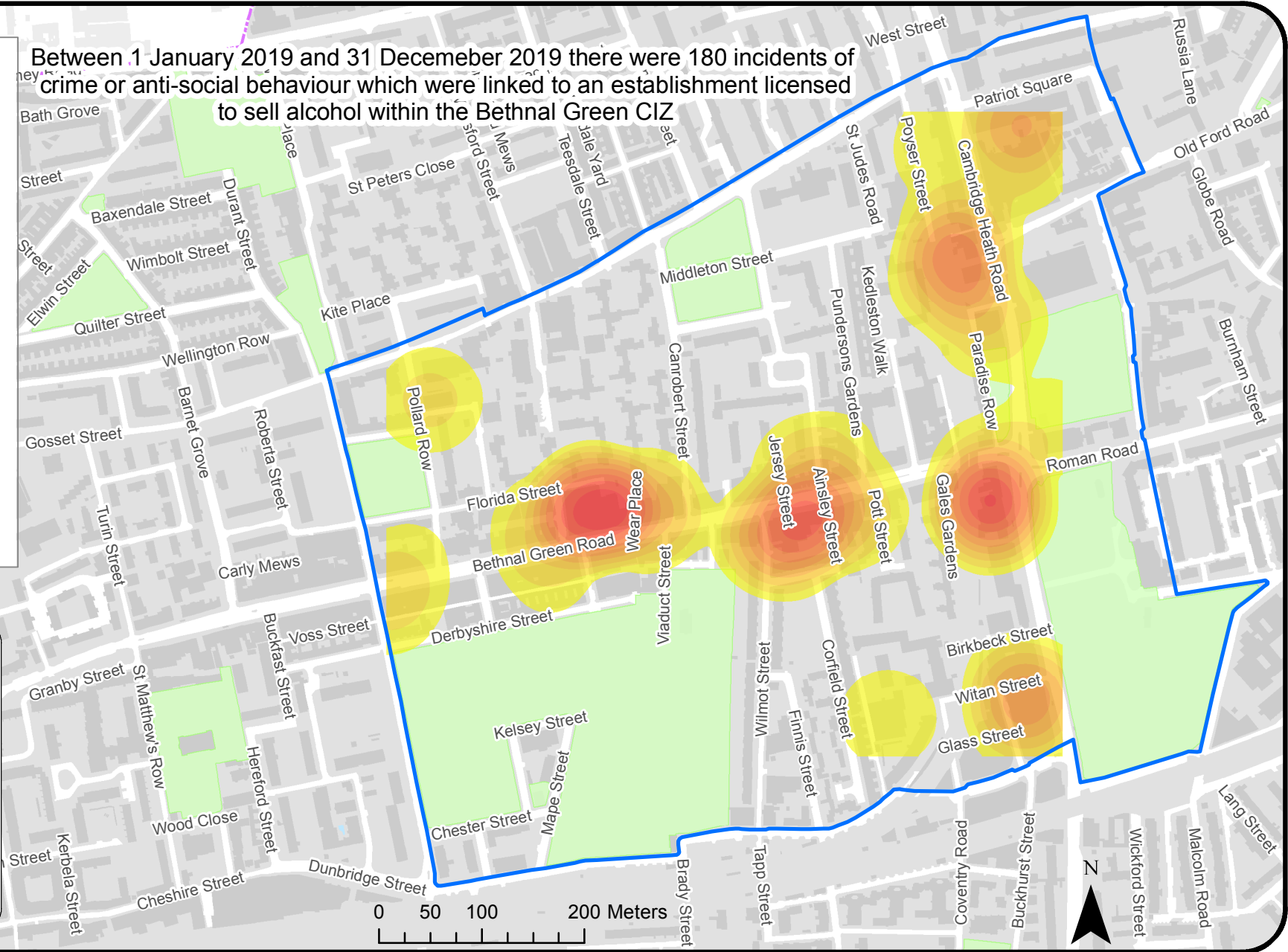


Legend

- Bethnal Green CIZ
- Borough Boundary

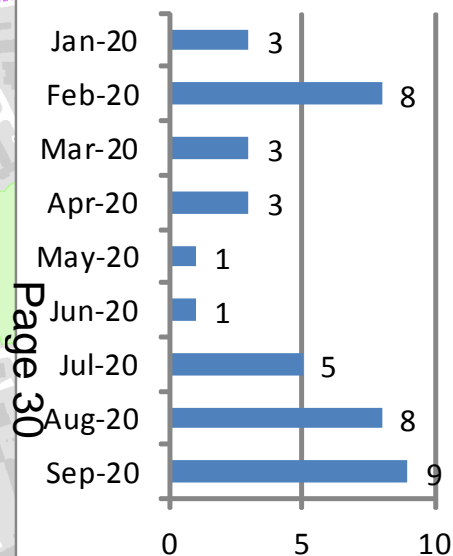
Hotspot Key

- Low
- Medium
- High

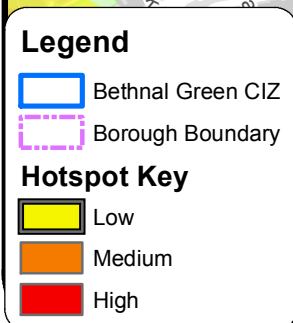


Bethnal Green ClZ Hotspot Map 2020

Incidents Per Month



Page 30



- [Home](#)
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Licensed premises: Bethnal Green and Brick Lane



The Council is consulting on the future of the Cumulative Impact Policy, whereby it looks at limiting the number of alcohol, late night refreshment and entertainment licences within specific areas of Brick Lane and Bethnal Green.

This consultation is required by law before the Council decides whether to revoke the designation or continue with it.

The consultation surveys for Bethnal Green and Brick Lane will run for 12 weeks commencing on Thursday 28 January and finishing on Thursday 22 April.

The objective of the Cumulative Impact Policy is to reduce crime and disorder and public nuisance in areas with a high saturation of licensed premises.

Having a Cumulative Impact Policy means that people wishing to apply for a new or variation of a licence to sell alcohol and/or provide late night refreshment (hot food/drink after 11pm) must demonstrate that they will not add to or have a cumulative effect on issues such as public nuisance, crime, public safety, and protection of children in the designated areas.

Any applicant that wishes to apply for a licence under the Licensing Act 2003 must prove that they will not add to the detriment of the area.

In November 2014, the current Cumulative Impact Policy was designated in and around the Brick Lane area. In 2018 second designation was introduced in Bethnal Green. The reason the Council chose to introduce these policies in Tower Hamlets was due to the saturation of licensed premises within this area, alcohol related crime and disorder and public nuisance that was shown to be linked to licensed premises. We now have to consider if these two designations should be renewed or revoked.

Evidence during the previous consultation when the Cumulative Impact Policy was reviewed in 2018 showed there was no evidence to support an expansion of areas covered by the Brick Lane or Bethnal Green cumulative impact zones. This does not appear to have changed and there is still little evidence to support an expansion of either Brick Lane or the Bethnal Green Zone areas. Therefore, the areas of the zones have not been changed.

The Cumulative Impact Policy for Brick Lane has been in place now for seven years, and in Bethnal Green for two years. Since its introduction incidents of crime and antisocial behaviour linked to licensed premises within these areas have seen a reduction despite fluctuating figures.

The attached reports from **2017** and **2018** show the historic and current levels of anti-social behaviour, crime and nuisance linked to licensed premises

You may also wish to see the **Minutes and Report of the Council on 18th September 2013** where the previous Statement of Licensing Policy and Cumulative Impact Policy for Brick Lane was adopted.

Further details are obtained in Sections 18 and 19 of the Council's **Statement of Licensing Policy 2018 – 2022**, and the Report into the **current review of the Cumulative Impact Policy**.

In connection with this statutory consultation we are seeking your views for the **Brick Lane** and **Bethnal Green** areas.

SURVEY

Bethnal Green

Take Survey



Brick Lane

Take Survey



Who's Listening

Tom Lewis



Licensing Team




Email licensing@towerhamlets.gov.uk


Key Dates


Consultation opens
28 January 2021

Consultation closes
22 April 2021

Documents


 [Licensing Committee Report 14 December 2017 \(15.3 MB\) \(pdf\)](#)

 [Licensing Committee Report 13 September 2018 \(5.09 MB\) \(pdf\)](#)

 [Cumulative Impact Policy and Appendices \(6.54 MB\) \(pdf\)](#)

[TERMS AND CONDITIONS](#) [PRIVACY POLICY](#) [MODERATION POLICY](#) [ACCESSIBILITY](#) [TECHNICAL SUPPORT](#) [SITE MAP](#)
[COOKIE POLICY](#)

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<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>18th March 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Corporate Director - Governance</p>	<p>Classification: Unrestricted</p>
<p>Update in relation to Prosecutions and Appeals – Quarter 4 2019/2020 Quarters 1-3 2020/2021</p>	

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 4 2019 to 2020 (January to March 2020 and Quarters 1 – 3 2020 (April to June 2020, July to September 2020 and October to December 2020).**

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 are, a requirement 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 4 2019/2020 and Quarters 1-3 2020/2021** the following prosecutions were concluded:

	Quarter 4 19/20	Outcome:
1	Muhammed Farooq Qureshi/Food Giant Express S136 Licensing Act 2003 Breach of licensing activity Date of Hearing: 14.1.20 Thames MC	Fine £500 Costs £1654 Victim Surcharge £50
2	UDDIN, Shams (Monsoon Restaurant) Breach of licence conditions -Touting	No case to answer Defence Cost Order to pay £4100.

	S136 Licensing Act 2003 Date of Hearing: 31.1.20 Thames MC	
	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.
	Quarter 3 20/21	
1	Fountain Beauty and Wellness Limited Breach of special treatment licence conditions - Section 14(2) of the London Local Authorities Act 1991 Date of hearing: 26/10/2020 Thames/Stratford MC	Proved in absence (SJP) Fine: £880 Victim surcharge: £44 Costs: £1,141.94

Appeals

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

During Quarters 1, 2 & 3 20/21, no appeals were concluded

The outcome of the appeals are set out as follows:

No	Case Details	Outcome
	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 Thames MC	Appeal dismissed Costs £2790

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.
	Quarter 3 20/21	No proceedings concluded. This can partly 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 Quarter 4 of 2019/20 and Quarters 1 to 3 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 costs 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, 2nd and 3rd Quarters 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. That state of affairs remains the same, meaning that there is a significant backlog of licensing prosecutions and appeals hearings as with all local authority prosecutions.

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.

E-mail: Ladi.Lapite@towerhamlets.gov.uk