

Licensing Committee

Agenda

**Thursday, 1 June 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel**

Members:

Chair: Councillor Ana Miah

Councillor Faroque Ahmed, Councillor Leelu Ahmed, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury, Councillor Abu Chowdhury, Councillor Marc Francis, Councillor Peter Golds, Councillor Iqbal Hossain, Councillor Kabir Hussain, Councillor Shahaveer Shubo Hussain, Councillor Ahmodul Kabir, Councillor Amy Lee, Councillor Amin Rahman and Councillor Rebaka Sultana

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,
farzana.chowdhury@towerhamlets.gov.uk
020 7364 3037

Town Hall, 160 Whitechapel Road, London, E1 1BJ
<http://www.towerhamlets.gov.uk/committee>



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A Guide to Licensing Committee

The Licensing Committee will determine Licensing policy/procedure (excluding the Council's Statement of Policy) as well as Licensing fees and charges.

The Committee will also establish a Licensing Sub-Committee to consider Licensing matters under the Licensing 2003 Act where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Committee

Thursday, 1 June 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

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. APPOINTMENT OF VICE-CHAIR

3. MINUTES OF THE PREVIOUS MEETING(S)

To confirm the minutes of the meeting of the Licensing Committee held onas an accurate record of the proceedings.

4. ITEMS FOR CONSIDERATION

4 .1 Terms of Reference (Pages 9 - 18)

4 .2 Prosecutions and Appeals Report (Pages 19 - 28)

4 .3 Late Night Review Annual Review 22/23 (Pages 29 - 42)

Next Meeting of the Licensing Committee



Thursday, 14 September 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



The best of London in one borough

Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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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 7.20 P.M. ON TUESDAY, 10 JANUARY 2023

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

Members Present in Person:

Councillor Kamrul Hussain
Councillor Faroque Ahmed Whitechapel Ward
Councillor Leelu Ahmed
Councillor Suluk Ahmed
Councillor Sabina Akhtar
Councillor Asma Begum
Councillor Gulam Kibria
Choudhury
Councillor Peter Golds Island Gardens
Councillor Kabir Hussain
Councillor Shahaveer Shubo
Hussain
Councillor Ahmodul Kabir
Councillor Amin Rahman
Councillor Rebaka Sultana
Councillor Abdul Wahid

Apologies:

Councillor Saied Ahmed (Cabinet Member for Resources and the Cost of
Living)

Farzana Chowdhury Democratic Services Officer (Committees)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Committee held on 4th October 2022 were agreed.

3. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The rules of procedure were noted.

4. ITEMS FOR CONSIDERATION

4.1 Application for a waiver under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 E1 Studio Spaces Ltd, 110 Pennington Street, London E1 8EW

The Licensing Committee considered an application by Jack Henry of E1/Studio Space, 110 Pennington Street, London, E1 (“the Venue”) for a waiver from the requirements of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 in respect of sexual entertainment venue (SEV) licensing.

The Committee heard from Mr. Charalambides on behalf of the applicant. He spoke to the application and informed the Committee that the test was that whether or not we thought it unreasonable or inappropriate to require the venue to be licensed under the SEV regime. The Home Office Guidance on SEVs was “unhelpful” and our own SEV policy, which Mr. Charalambides submitted was concerned with lap-dancing venues and similar, was silent on the issue of a waiver. The Venue was not a lap-dancing club, and the issue was what to do in respect of adult entertainment and displays of nudity between consenting adults in a regulated space. The Venue was licensed under the Licensing Act 2003 and self-regulated by the management and by its patrons.

Applicant/Counsel

Mr. Charalambides outlined the difficulties with the definition of relevant entertainment and whether it covers consenting adults attending a closed space together. He explained that the Venue did not know if it did or did not carry on relevant entertainment. He gave an outline of the events put on by the different promoters that the Venue worked with and the different clientele they each attracted. This meant that the Licensing Authority needed to decide, on a case-by-case basis, whether a particular event would or would not fall within that definition.

Mr. Charalambides explained that the premises licence imposes a number of conditions, such as a restriction on under-18s attending, but that the Act otherwise envisages adult entertainment taking place on licensed premises. There is a difference between sexual entertainment and adult entertainment. In short, however, he emphasised that the Venue placed safeguarding at its core, that every event was risk-assessed, and that the regulator’s role was to ensure the safety of the events.

He spoke briefly to the equality and diversity issues and provided the Committee with some updated statistics from the 2021 census.

Members asked a number of questions of both Mr. Charalambides and the Licensing Officer. For brevity, the decision sets out the key issues discussed.

Mr. Charalambides emphasised that the venue was not a lap-dancing venue and that the issues arising in such venues did not arise here. The premises licence, which contained SIA, CCTV and numerous other conditions, all dealt with safety. There were trained guardians as well from within the community.

Members queried why the waiver was sought for seven days per week and whether it was intended to carry on such events every day. Mr. Charalambides explained that the venue was restricted by the premises licence, which required licensable activity to cease at midnight Sunday to Thursday. The venue was therefore mostly intending to put on such events at weekends. He referred to the need to assess the entertainment on a case-by-case basis. This meant that an event by one promoter one week might not be relevant entertainment but might be the following week. The waiver, if granted, would provide certainty to both the Council and the venue that they were not in breach of the law.

Mr. Charalambides spoke to the statutory exemption of eleven events in a twelve-month period and that it applied only if the entertainment was relevant entertainment within the Act. Some would likely be, but others would not be, and the ultimate arbiter in any particular case would be the courts in the event of a prosecution for breach of the 1982 Act.

He suggested that rather than thinking about the eleven individual events it might assist to consider the entertainment as a whole and that all of the events fall within a grey area. It did not follow, however, that all events would be a "full-on" sexual event.

Members also explored issues around compliance and enforceability. It was explained that conditions could not be added to the waiver, if granted. However, undertakings could be and were offered up by the applicant. If those were not complied with, the inevitable outcome would be a revocation of the waiver by the Council. The venue was offering the various "conditions" on pages 76 to 78 of the report pack as undertakings and was also amenable to one that would effectively prevent the Venue from operating as a lap-dancing club.

Mr. Charalambides, in answer to a question posed by the Legal Adviser as to whether the waiver, if granted, should be open-ended or time-limited, posited an eighteen-month time limit, which would allow for a six-month "bedding-in" period and then a focused year thereafter. He acknowledged the potential concern with respect to an open-ended waiver.

The Committee has carefully considered the application for a waiver. The Committee understood that there is effectively no guidance as to how to approach such an application. There is no Home Office guidance, as there is for the Licensing Act 2003, nor is there any case law. Our SEV Policy is silent

on waivers. It is a purely discretionary decision to be exercised in accordance with the usual public law principles.

The 1982 Act provides an exemption for occasional relevant entertainment, which the Venue can take advantage of in any event. The Committee understood that some of the entertainment fell within a “grey area” but it was not disputed that some was highly likely to fall within the statutory definition. The Committee understood that the waiver, if granted, would be for seven days per week. It noted Mr. Charalambides’ explanation that in reality it would likely only benefit the venue in respect of Fridays and Saturdays given the restricted weekday times of the premises licence.

That would still, however, permit a number of events each year which, if they constituted relevant entertainment, would far exceed the permitted exemption.

The Council has an SEV Policy and whilst it does not deal with waivers specifically, it is still a relevant factor for the Committee to consider. The language of the policy does not refer to specific types of venue. Whilst the venue was not a lap-dancing club, it potentially still provided relevant entertainment and could therefore be a SEV.

The policy expresses an intent to reduce the number of SEVs in the borough to nil. The Committee noted also that the waiver application, unlike an application for an SEV licence, makes no provision for consultation. Given that SEVs are a matter on which the local community will often wish to express a view, this was also a factor that the Committee considered. The Committee noted the submission that whether or not relevant entertainment was provided at the venue may be a grey area and that a waiver would give the benefit of certainty to the venue and to regulators.

However, so too would an SEV licence, if granted. The waiver, if granted, could take effect seven days per week (even if the intention was not to do so). Parliament has imposed a tight restriction on anything amounting to more than the occasional provision of relevant entertainment, generally requiring it to be regulated.

The more frequently that events which are or may be relevant entertainment may be carried on, the less likely it is that a waiver will be appropriate. For all these reasons, and given that the SEV licensing process requires consultation, which the waiver process does not, the Committee did not consider it to be unreasonable or inappropriate to require the Venue to be licensed and regulated under the 1982 Act and the decision of the Committee is to refuse the application for a waiver. Finally, the Committee wishes to express its thanks to the applicant and its representatives for the engaging and eloquent way in which the application was brought before us.

Accordingly, with one member who abstained the decision, thirteen members of the Committee REFUSED the waiver.


RESOLVED

That the application for a waiver under schedule 3 Local Government Miscellaneous provisions) Act 1982 E1 Studio Spaces Ltd, 110 Pennington Street, London E1 8EW be **REFUSED**.

The meeting ended at 9.00 p.m.

Chair, Councillor Kamrul Hussain
Licensing Committee

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Non-Executive Report of the: Licensing Committee Thursday, 1 June 2023	
Report of: Head of Democratic Services	Classification: Open (Unrestricted)
Licensing Committee, Terms of Reference, Membership, and Quorum	

Originating Officer(s)	Farzana Chowdhury
Wards affected	(All Wards);

Executive Summary

This report sets out the Terms of Reference, Membership, and Quorum of the Licensing Committee and the Schedule of Dates for the Municipal Year 2023/2024 for Members' information.

Recommendations:

The Licensing Committee is recommended to:

1. Note its Terms of Reference, Membership, and Quorum as set out in Appendices 1 to this report.

1. REASONS FOR THE DECISIONS

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

2. ALTERNATIVE OPTIONS

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

3. DETAILS OF THE REPORT

- 3.1 At the Annual Meeting of the Full Council held on 17th May 2023, Council re-established the Licensing Committee and delegated to this body a range of duties and responsibilities relating to the licensing function in accordance with relevant legislation.

- 3.2 It is traditional that following the Annual Meeting of the Full Council at the start of the Municipal Year, at which various committees are established, that those committees note their terms of reference for the forthcoming Municipal Year.

- 3.3 Council, on 17 May 2023, agreed a schedule of dates for Committees/ Panels for the Municipal Year 2023/2024. The dates agreed for the Licensing Committee are as follows:-

- 1 June 2023
- 14 September 2023 (SEV)
- 26 October 2023
- 18 January 2024
- 06 June 2024

- 3.4 It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and Members as appropriate.

- 3.5 Meetings of the Licensing Committee are usually scheduled to take place at 6.30pm in the Town Hall, Mulberry Place in accordance with the programme of meetings. Licensing Sub Committees also start at 6.30pm to allow potentially long meetings to end at a reasonable time.

4. EQUALITIES IMPLICATIONS

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

5. OTHER STATUTORY IMPLICATIONS

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

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

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

6. COMMENTS OF THE CHIEF FINANCE OFFICER

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

7. COMMENTS OF LEGAL SERVICES

7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 17 May 2023.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Terms of Reference, Quorum and Membership of the Licensing Committee
- Appendix 2 – Membership
- Appendix 3 – Dates of Meeting

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

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

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

- None

Officer contact details for documents:
N/A

12. Licensing Committee

<p>Summary Description: The Committee is responsible for discharging the licensing functions of the council including determining Licensing policy/procedure (excluding the Council's statement of policy) as well as licensing fees and charges.</p> <p>The Licensing Committees will appoint a Sub-Committee to undertake the determination of many functions such as the review and approval of alcohol licence applications.</p>	
<p>Membership: 15 Members of the Council. No substitute members may be appointed for this committee</p>	
Functions	Delegation of Functions
<p>1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine any applications for licences not specifically reserved to the Licensing Committee by these terms of reference</p>
<p>2. To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>3. To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</p>	<p>None</p>
<p>4. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</p>	<p>None</p>
<p>5. To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has</p>

1982 (as amended) regarding the control of sex establishments within the Borough	the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame
6. To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn	The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame
7. To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Section 16; Local Choice, Local Act Functions which are set out in Section 17 of the Constitution; and Other Local Choice Functions which are set out in Section 17 of the Constitution where the Function has been specifically delegated to the Licensing Committee	The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame
8. To determine fees and charges for the issue, approval, consent, licence, permit or other registration in respect of Licensing and Registration Functions as set out in Section 16; Local Choice, Local Act Functions which are set out in Part Section 17 of the Constitution; and Other Local Choice Functions which are set out in Section 17 of the Constitution for which the Committee has responsibility	The Corporate Director, Place (or any officer authorised by them) has the authority to determine fees for premises licences in respect of gambling
Quorum: 3 Members of the Committee	
Additional Information: <ul style="list-style-type: none"> • Constitution Part C, Section 34 (Licensing Code of Conduct) • Licensing procedure rules Part D Section 53 	

LONDON BOROUGH OF TOWER HAMLETS

COMMITTEE MEMBERSHIP 2023 - 2024

NOMINATIONS SUBMITTED TO THE ANNUAL COUNCIL MEETING ON 17th MAY 2023

LICENSING COMMITTEE (Fifteen members of the Council. No substitutes permitted)		
<i>Aspire Group (8)</i>	<i>Labour Group (6)</i>	<i>Ungrouped (1)</i>
Councillor Suluk Ahmed Councillor Gulam Kibria Choudhury Councillor Abu Talha Chowdhury Councillor Iqbal Hossain Councillor Kabir Hussain Councillor Ahmodul Kabir Councillor Ana Miah Councillor Amin Rahman	Councillor Shubo Hussain Councillor Amy Lee Councillor Faroque Ahmed Councillor Leelu Ahmed Councillor Marc Francis Councillor Rebaka Sultana	Councillor Peter Golds


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Licensing Committee Meeting Dates 2023-2024

- 01 June 2023
- 14 September 2022 (SEV)
- 26 October 2022
- 18 January 2024
- 06 May 2024

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Agenda Item 4.2

Non-Executive Report of the: Licensing Committee 15 th March 2022	 TOWER HAMLETS
Report of: Corporate Director - Governance	Classification: Unrestricted
Update in relation to Prosecutions and Appeals – Quarter 4 2021/22 Quarters 1-3 2022/23	

Originating Officer(s)	Jonathan Melnick – Principal Lawyer – Enforcement
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 2021/22 (January to March 2022 and Quarters 1 – 3 2022/23 (April to June 2022, July to September 2022 and October to December 2022).**

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 the Licensing Authority and amongst its functions are requirements to ensure compliance with conditions imposed on the licences that it grants and to consider taking appropriate action against unlicensed premises. It will also be the respondent to any appeal against a decision of the Licensing Committee or its Sub-Committee.
- 3.2 Where the Council 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 statutory guidance issued pursuant to section 182 of the Licensing Act 2003.
- 3.4 This report does not deal only with Licensing Act 2003 matters but also those under the Gambling Act 2005 and Special Treatment Licences granted under the London Local Authorities Act 1991.
- 3.5 Members are asked to note that licensing enforcement activity will often reveal contraventions of other legislation such as that relating to tobacco, which will not itself be licensable. However, where such offences have been charged in addition to licensing offences, these are included in the table below in order to give members the full context of offending as well as the outcome.

Prosecutions

3.4 During **Quarter 4 2020/2021 and Quarters 1-3 2021/2022** the following prosecutions were concluded:

During Quarter 4 21/22 four prosecutions were concluded.

During Quarters 1, 2 & 3 22/23, eleven prosecutions were concluded.

	Quarter 4 20/21	Outcome:
1	<p>SFB Retailing Ltd. (Ince Supermarket) Underage sale of alcohol & carrying on unauthorised licensable activity</p> <p>Fateh Ince Underage sale of alcohol & carrying on unauthorised licensable activity</p> <p>Ibrahim Erdem Underage sale of alcohol</p>	<p>Fined £920.00 Victim surcharge £92.00 Costs £1,000.00</p> <p>No separate penalty</p> <p>Fined £92.00 Victim surcharge £34.00 No order as to costs</p>
2	<p>Songul Food Ltd. (Elegant Food) Underage sale of alcohol</p> <p>Ibrahim Celik Underage sale of alcohol</p> <p>Bektas Celik Underage sale of alcohol</p>	<p>Fined £101.00 Victim surcharge £32.00 Costs £232.00</p> <p>Fined £237.00 Victim surcharge £32.00 Costs £232.00</p> <p>Fined £162.00 Victim surcharge £32.00 Costs £232.00</p>
3	<p>Cinar Irmak Ltd. Underage sale of tobacco, failure to display tobacco notice (x2), carrying on unauthorised licensable activity</p> <p>Seyho Gurgur Failure to display tobacco notice (x2), carrying on unauthorised licensable activity</p> <p>Suleyman Gurgur Underage sale of tobacco</p>	<p>Fined £340.00 Victim surcharge £34.00 Costs £1,000.00</p> <p>Fined £180.00 Victim surcharge £34.00 No order as to costs</p> <p>Fined £50.00 Victim surcharge £34.00 No order as to costs</p>

4	<p>Ash Store Ltd. Display of tobacco products, exposing alcohol for unauthorised sale (x2), underage sale of alcohol, carrying on unauthorised licensable activity, failure to display tobacco notice</p> <p>Ashok Uddin Choudhury Display of tobacco products, exposing alcohol for unauthorised sale (x2), underage sale of alcohol, carrying on unauthorised licensable activity, failure to display tobacco notice</p> <p>Mohammed Maher Baksh Exposing alcohol for unauthorised sale, underage sale of alcohol</p>	<p>Fined £680.00 Victim surcharge £68.00 Costs £1,500.00</p> <p>Fined £560.00 Victim surcharge £56.00 No order as to costs</p> <p>Fined £100.00 Victim surcharge £34.00 No order as to costs</p>
	Quarter 1 22/23	Outcome
1	<p>Winehouse Ltd. Underage sale of alcohol</p> <p>Olga Milusauskiene Underage sale of alcohol</p> <p>Pavel Ratner Underage sale of alcohol</p>	<p>Acquitted after trial</p> <p>Acquitted after trial</p> <p>Fined £300.00 Victim surcharge £34.00 Costs £300.00</p>
2	<p>KD Food N Wine Ltd. Underage sale of alcohol, failure to display tobacco notice</p> <p>Dinojan Balakrishnan Underage sale of alcohol, failure to display tobacco notice</p> <p>Ainkaran Jeyasingam Failure to display tobacco notice</p> <p>Angur Miah Underage sale of alcohol</p>	<p>Fined 840.00 (UAS, no separate penalty for tobacco notice) Victim surcharge £84.00 Costs £1,858.00</p> <p>Fined £257.00 (UAS, no separate penalty for tobacco notice) Victim surcharge £34.00 Costs 200.00</p> <p>Fined £100.00 Victim surcharge £34.00 Costs £100.00</p> <p>Fined £80.00 Victim surcharge £34.00 Costs £100.00</p>
	Quarter 2 22/23	Outcome

1	Jahnvi Patel Underage sale of alcohol Mehulkumar Patel Underage sale of alcohol, exposing alcohol for unauthorised sale	Fined £127.00 Victim surcharge £34.00 Costs £750.00 Fined £142.00 (1 st offence), £200.00 (2 nd offence) Victim surcharge £34.00 Costs £750.00
2	Ismail Tuncay Corbaci Underage sale of alcohol Hakan Sezer Underage sale of alcohol	Fined £660.00 Victim surcharge £66.00 Costs £750.00 Fined £660.00 Victim surcharge £66.00 Costs £750.00
3	Acu & Herbs Ltd. Failure to comply with MST licence conditions Li Wa Hodgkinson Failure to comply with MST licence conditions	Fined £600.00 Victim surcharge £60.00 Costs £1,924.74 Fined £400.00 Victim surcharge £40.00 No order as to costs
4	BFC Retail Ltd. Underage sale of alcohol Oya Doldur Husseyin Doldur Underage sale of alcohol	Fined £5,000.00 Victim surcharge £200.00 Costs £1,311.89 Fined £800.00 Victim surcharge £34.00 No order as to costs Fined £50.00 Victim surcharge £34.00 No order as to costs
5	Diya 112 Ltd. Underage sale of alcohol Riza Er Underage sale of alcohol Tolgur Selkan Underage sale of alcohol	Fined £1,500.00 Victim surcharge £150.00 Costs £1,537.22 Fined £500.00 Victim surcharge £50.00 No order as to costs Fined £300.00 Victim surcharge £34.00 No order as to costs
6	Mohammed Rabin	Fined £40.00

	Underage sale of tobacco Linked to Huq Neighbours (below)	Victim surcharge £34.00 Costs £300.00
7	Mohammad Mehedi Hasan Underage sale of alcohol Linked to Huq Neighbours (below)	Fined £80.00 Victim surcharge £34.00 Costs £300.00
	Quarter 3 2022/23	Outcome
1	Huq Neighbours Ltd. Underage sale of alcohol, underage sale of tobacco, display of tobacco, carrying on unauthorised licensable activity Mohammed Al Manamul Huq Underage sale of alcohol, display of tobacco, carrying on unauthorised licensable activity	Fined £1,000.00 per underage sale offences, fined £500.00 per offence (display and unauthorised licensable activity) Victim surcharge £180.00 Costs £2,000.00 Acquitted of all offences. LBTH to pay defence costs £12,040.00
2	Yani Wang t/a Natural Treatment Ltd. Failure to comply with MST licence conditions	Fined £300.00 Victim surcharge £34.00 Costs £300.00

Appeals

During Quarter 4 21/22 three appeals were concluded.

During Quarters 1, 2 & 3 22/23, four appeals were concluded.

The outcome of the appeals are as follows:

No	Case Details	Outcome
	Quarter 4 2021/22	Outcome
1	White's Venues Ltd. 32-38 Leman Street London E1 SEW	Appeal against refusal of SEV licence (2019/20) allowed on 28 th January 2022 (following hearing on 19 th and 20 th January 2022). Additional CCTV condition imposed. Decision 7 th March 2022 - No order as to costs

2	Sunflower London Ltd. Healthcare 21 Wentworth Street London E1 7TB	Appeal against refusal of renewal of special treatment licence. Appeal deemed abandoned on 31 st January 2022. Appellant to pay Council's costs of £5,370.00
3	White's Venues Ltd. 32-38 Leman Street London E1 SEW	Appeals against refusal of SEV licences (2020/21 and 2021/22) allowed by consent on 7 th March 2022.
	Quarter 1 22/23	Outcome
1	Oval Venues Ltd. Oval Café 11-12 The Oval London E2 9DU	Appeal against grant of licence with reduced hours. Appeal allowed by consent on 3 rd May 2022 and remitted to the Sub-Committee for determination (licence holder confirmed 10 th March 2023 that the licence was accepted)
2	Oval Venues Ltd. 29-32 The Oval London E2 9DT	Appeal against decision on review to reduce hours and impose additional conditions. Appeal allowed by consent on 9 th May 2022
3	Cabby's Rum Bar Arch 411 St. Paul's Way London E3 3AG	Appeal against decision on review to revoke premises licence Appeal dismissed on 26 th July 2022. Appellant to pay Council's costs of £750.00
	Quarter 2 22/23	Outcome
1	Yani Wang t/a Natural Treatment 35 Artillery Lane London E1 7LP	Appeal against decision to revoke special treatment licence. Appeal withdrawn on 20 th September 2022

	Quarter 3 22/23	Outcome
		No appeals were concluded during this period.

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 2021/22 and Quarters 1 to 3 of 2022/23.
- 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 and appeals. However, it should be noted that costs are at the discretion of the court and full costs orders may not always be made. Fines and costs are paid over to HM Treasury.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.
- 5.2 At the time of the last report (15th March 2022), the coronavirus pandemic was continuing to have some impact on the court process. A huge backlog of cases had built up in the magistrates’ courts, which is where all prosecutions will start and where licensing appeals are heard. The backlog has reduced considerably in respect of prosecutions. However, as will be noted above, there was still some impact in respect of licensing appeals although there are now no appeals outstanding that commenced prior to or during the pandemic.
- 5.3 Licensing appeals, however, continue to be treated as a low priority by the court and, unlike prosecutions, which are commenced by us and in respect of which we have control over the first hearing date. It is still not uncommon for the first hearing of a licensing appeal to be listed several months after the appeal has been lodged at court (a scenario which was usual prior to the pandemic). Similarly, it is not uncommon for the court to fail to inform the Council promptly that an appeal has been lodged or, when a query is made by us, to incorrectly inform us that there is no appeal, often due to the fact that the court has failed to register the appeal.

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: Jonathan Melnick, Principal Enforcement Lawyer, 0207 364 4337.

E-mail: jonathan.melnick@towerhamlets.gov.uk

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>1st June 2023</p>	
<p>Report of: David Tolley Head of Environmental Health and Trading Standards</p>	<p>Classification: Unrestricted</p>
<p>Late Night Levy: Annual Review</p>	

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

1. Executive Summary

- 1.1 The London Borough of Tower Hamlets (“the Council”) adopted the Late Night Levy (“the Levy”), which came into effect on 1st January 2018. From that date, any licence holder (Premises Licence and/or Club Premises Certificate) permitted to sell (or supply in the case of Club Premises Certificates) alcohol between 00:00 hours (midnight) and 06:00 hours (6am) is required to pay the Levy. All income raised by the Levy must fund activities and resources which benefit the late-night economy.
- 1.2 The legislation governing the Levy requires that 70% of the revenue must be paid to the Police and the council may retain 30% of the revenue. However, during the consultation for the decision to adopt the Levy, the Council obtained an agreement with the Deputy Mayor for Police and Crime (MOPAC) that all of the revenue raised by the Levy could be retained by the Council and that the decision of how to spend the revenue would be made through the Community Safety Partnership (CSP).
- 1.3 Section 130(5)(b) of the Police Reform and Social Responsibility Act 2011 requires that the licensing authority must publish an end of year statement of its estimate of the amount for deductions permitted for relevant expenses. This report is to outline what initiatives the Levy revenue has funded and the achievements of these initiatives.

2. Recommendations:

The Licensing Committee is recommended to:

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

3. REASONS FOR THE DECISIONS

3.1 This is a noting report to outline the annual report for 2022/23 of income received, expenditure and initiatives funded by the Levy.

4. ALTERNATIVE OPTIONS

4.1 This is a noting report.

5. DETAILS OF THE REPORT

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

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

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

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

5.3 The Levy is payable at the same time as the annual licence fee is due, which falls annually from the date the premises licence was first granted.

5.4 Total Income received by the Levy in Year 5 (2022/23) was £269,512.

5.5 The Council is entitled to deduct its administration costs from the introduction and management of the Levy. Our only cost deducted are for the Late Night Levy Officer role. This is an officer who manages the Late Night Levy, which includes coordinating the current initiatives and exploring other options for new initiatives to promote the levy objectives. The total costs deducted for this role in 2022/23 is £47,772.00.

5.6 In year one the Community Safety Partnership (CSP) was presented with a number of costed options for initiatives to be funded by the Levy revenue. Since this time additional initiatives, such as Conflict Awareness Training and Welfare and Vulnerability Engagement (WAVE) Training, have been agreed by CSP. This is shown as the joint committed and actual spend in year 5 (2022/23):

5.7 Committed/actual spend for year 5

- Additional Police Officers on patrol between 23:00 hours and 03:00 hours (Thursday to Saturday)
* Annual committed spend was £75,540.00
- Additional Police Serials on patrol between 23:00 hours and 07:00 hours (Thursday to Saturday), 1st June to 1st January
* Annual committed was £105,784.00

Combined Actual Spend for Police = £61,242.11

- Street Pastors on patrol between 22:00 hours and 02:00 hours (Friday and Saturday) – Actual Spend = £42,665.29
* Annual committed spend was £64,306
- Additional street cleansing – Actual Spend = £50,000
* Annual committed spend was £50,000.
- Additional “Smart” Rubbish Bins – Actual Spend = £8,800
* Annual committed spend was £8,800
- Portable Urinal placed in the borough during the evening/night – Actual Spend = £100,880
= £12,535 (Permits to occupy land)
* Annual committed spend was £100,000 (toilets hire only)
- Welfare and Vulnerability Engagement Training (WAVE) – Room hire only – Actual Spend = £1,440
* Annual committed spend was £10,000 (this was for full training by external organisation, police currently delivering at no cost)
- Conflict awareness training Licensed Premises - £7,000 (training for maximum of fifty people)
* Previous provider for this failed to engage so we were unable to deliver in 2022/23. Alternative providers have been sourced and the training will be delivered in 2023/24.

Total committed/actual expenditure on the above Initiatives

Actual = £325,334.40 (inclusive of the spend for the Late Night Levy Officer role)

Committed = £464,430

Total estimated budget for year 5 = £588,000

5.8 Surplus reasons/Measure proposed to reduce

The Coronavirus Pandemic meant that certain initiatives were reduced or stopped during parts of 2020/21 and 2021/22. These include Street Pastors, Portable Toilets, Additional Street Cleaning, and the Conflict Awareness Training. This resulted in an increase in the surplus.

Since restrictions were lifted, we have increased initiatives such as more toilets, increased police patrols and Welfare and Vulnerability Engagement (WAVE) Training.

Our increased work with the London Borough of Hackney has assisted us in considering further initiatives. As a result, we have sought agreement from the Community Partnership (CSP) to trial and if successful set up two more initiatives:

- Medic Patrols,
- Radio linked scheme for late night venues,
- Increase the additional street cleaning and look to include litter/detritus clearance – additional £50,000.

We have also been able to source two potential providers to deliver conflict awareness training to Late Night Licensed trade within the borough.

5.11 Levy Initiatives Roles and Outcomes

5.12 **Additional Police Patrols**

Role:

- Reduction of crime and disorder link to licensed premises.
- Increase public safety.
- Potential reduction in minor crimes due to more police presence.
- Potential decrease in street urination.

5.13 The Additional Police work a shift pattern of 4 Officers (1 Police Sergeant and 3 Police Constables) working 3 nights per week and additional Sunday nights where the Sunday precedes a bank holiday Monday. There is also the addition of four patrols to be tasked as part of quarterly projects, such as operations to tackle Nitrous Oxide sellers outside late night venues.

5.14 The Police Patrols continue to be tasked via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards), Community Safety and other Responsible Authorities, e.g., London Fire Brigade.

5.15 In year 5 (2022/23), approximately 65 tasked patrols of the borough were completed by the additional Police. Their role is to be a uniformed presence on the streets in order to deter crime and disorder and promote a safer night-time economy.

5.16 Unfortunately, the Met Police have experienced some issues in resourcing the 1 and 3 (one police sergeant and three police constables) Police Patrols. This has caused a number of occurrences where tasked patrols could not be delivered. The Council has worked with the Met Police to find out the causes and ways to resolve this to reduce the possibility of tasked patrols not being able to be delivered. As a result of this we have moved to using a Serial Patrol, which is 1 police sergeant and 6 police constables. Resourcing for this patrol is

not reliant of officers already working and completing extended shifts but rather volunteering to cancel their rest day and completing a shift dedicated to these patrols. One caveat, however, is that as well as Notting Hill Carnival which take a large proportion of Met Police away from other duties, we also had the Coronation in 2023/24. This may result in some of the tasked patrols in May as well as August Bank Holiday not being able to be delivered.

- 5.17 There have been a number of positive outcomes from these additional Police Patrols, assessing security checks at venues, dealing with disorder (including street urination), and drugs (including NOx), assisting venues and members of the public. Below are just a few more examples of the positive impact on the late-night economy within the borough:

Additional Police Patrols (23:00 hours to 03:00 hours)

- Dealing with off licence selling alcohol to street drinkers.
- Dispersed males graffitiing and using NOx.
- Assisted venue dealing with intoxicated persons and dispersing NOx sellers.
- Person arrested for assault
- At least 3 Antisocial behaviour Warning for NOx use outside venues.
- Assisted in dealing in report of sexual assault.
- Assisted venue resulting two people being arrested for GBH against security at a venue, with a further 10 people dispersed from the premises.
- Arrest of person for driving under influence of alcohol, and possession of class A and B drugs (amount equaled intend to supply).
- Use of Borough-wide PSPO for Responsible Drinking, result in a number of persons loitering in areas of the borough being dispersed thus reducing potential nuisance/ASB.
- Street urination identified and evidence gathered resulting in Tower Hamlets Enforcement Officers being able to serve Fixed Penalty Notices (FPNs) for an offence.
- Assisted Tower Hamlets Enforcement Officers (THEOs) to issue to FPNs for NOx under Borough's PSPO for Nitrous Oxide (NOx) and assisted in seizing NOx canisters.

Additional Police Serials (23:00 hours to 07:00 hours)

- 5.18 The Serial Police work a shift pattern of 7 Officers (1 Police Sergeant and 6 Police Constables) working 2 nights per week and additional Sunday nights where the Sunday precedes a bank holiday Monday. These Police Serials are also tasked via the Licensing Authority through a multi-agency forum that includes Licensing Police, Environmental Health and Trading Standards (Licensing, Noise, and Trading Standards), Community Safety and other Responsible Authorities, e.g., London Fire Brigade.
- 5.19 In year 5 (2022/23) approximately 53 tasked patrols of the borough were completed by the Serial Police between June 2022 and January. These units reduced crime and disorder and promoted a safer night-time economy largely by being a presence on the street.
- 5.20 There have been a number of positive outcomes from these Serial Police Patrols, such as dealing with disorder and drugs, deterring street urination and NOx Sellers, dispersal of parties causing disturbance. Below are just a few

more examples of the positive impact on the late-night economy within the borough:

- Street urination identified and evidence gathered resulting in Tower Hamlets Enforcement Officers being able to serve Fixed Penalty Notices (FPNs) for an offence.
- Gathered evidence in relation to a premises breaching Licence Conditions, evidence resulted in the Licence being reviewed and eventually revoked at a hearing of the licensing sub-committee.
- Assisted venue in removing customer who refused to leave.
- Assisted venue in regard to customer report of drink being spiked.
- ASB Warning issued to male urinating in street.
- Assisted venue in ejecting a customer who refused to leave and cause damage to premises and staff vehicle. Person dealt with under Disturbance of the Peace.
- Arrest of person for possession with intend to supply class A drugs.
- Assisted THEOs in removal of a large “Rambo” style knife and baseball bat.
- Assisted intoxicated person get home via taxi and speaking to family member.
- Arrested person who refused to leave venue and racially abused staff.
- Prevented attempted suicide.
- Dispersal of fight, which resulted in arrest of one person for common assault.
- Number of NOx sellers disrupted and assisting THEOs take action under the Nitrous Oxide PSPO.
- Deal with illegal road closure to ensure road reopened and not obstructed.

5.21 In October and December 2022, we conducted two Nitrous Oxide (NOx) Operation using the Late Night Level Serial Police Patrols. This was in partnership with Community Safety and the THEOs. The Objective was to disrupting NOx Users/Sellers linked to the Late Night Economy within Tower Hamlets. There was also an emphasis on the use of the borough’s Public Space Protection Order PSPO for Nitrous Oxide.

A number of areas within the borough were selected for these operations based on intelligence. The result of these operations are summarised:

October

11 Fixed Penalty Notice (FPN) served by THEOs with Police assistance
Several NOx canisters seized.

December

4 FPNs served by THEOs with Police assistance
ASB Warning Issued for NOx
2 large NOx canisters seized.

The photograph below shows the total amount of NOx seized during the October operation



5.22 Street Pastor Patrols

Role:

- Increase public safety and wellbeing.
- Deter minor crimes due to uniformed presence.
- Deter street urination due to uniformed presence.
- Promote a safe late-night economy.

5.23 The Street Pastor Patrols work a shift pattern of a minimum of 4 Pastors who wear branded high visibility jackets. They are contracted to complete two patrols per week (Friday and Saturday) and are the 'friendly faces on the street'.

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

5.25 In year 5 (2022/23) it took longer than anticipated to agree the contract with the Street Pastors. This led to them not being able to start until the beginning of August 2022. Since this time, they have completed a total of 68 tasked patrols.

5.26 There have been a number of positive outcomes from Street Pastors Patrols, such as preventing disorder, and disrupting drugs use/dealing (including NOx), assisting persons within the nighttime economy, e.g., providing water, breakfast bars, rain ponchos, scarves, pairs of socks, flip flops, toothbrushes, toothpaste, and deodorant etc. Below are just a few more

examples of the positive impact on the late-night economy within the borough:

- Prevented street urination by speaking to person and explaining how it could affect others.
- Collecting and properly disposing of numerous glass bottles during patrols.
- Provided intelligence on location of NOx sellers, this enabled us to deploy police to these areas.
- Assisted persons getting home by calling them a taxi.
- Assisted male who had his phone stolen to contact the police.
- Assisted in getting a premises to turn their music down as seemed excessive from the street.
- Pass evidence of drug dealing to the police, including car registration number.
- Assisted in disrupting a fight.
- Found an unconscious male who had been sick, called ambulance and stayed with male until ambulance arrived.
- Deescalate a fight between two males.

5.27 Enhanced Cleaning and Bins

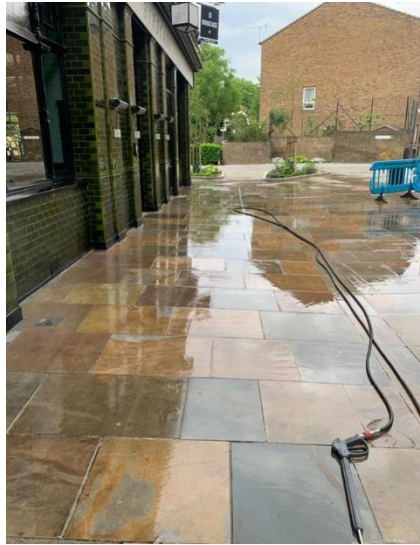
Role:

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

5.28 There are a total of four Big Belly smart solar bins purchased through levy revenue. Two of these located near Bethnal Green station and on Brick Lane. Two more are located near Columbia Road and White Post Lane. The bins are smart bins and have in built compactors to increase the amount of waste they can take before needing to be emptied. These bins are also solar powered and automatically send a message to the collection service when it needs to be emptied.

5.29 All bins purchased via the Levy have signs on them stating that they have been funded by the licensed trade in Tower Hamlets.

5.30 This year saw the full return of the enhanced program, which provides additional street washing of a number within the Borough where they are or are likely to be adversely affected by the late night licensing economy. Below are some photographs of the cleaning undertaking in year 5.



Columbia Road E2 - front of The Birdcage



Brick Lane

5.31 Portable Urinal

Role:

- Discourage street urination in the borough.

5.32 Following the pilot project in Year 2 of the Levy (2019/20) a contract was agreed for two urinals to be placed in the borough every Friday and Saturday night. The locations as of 2023 are the corner of Sclater Street and Bethnal Green Road, near to Shoreditch High Street Station, Brick Lane down from Jack the Clipper, end of the Santander Bike Stands, and White Post Lane Junction of Rothbury Road.



Brick Lane



Sclater Street/Bethnal Green Road



White Post Lane/Rothbury Road

The urinals are delivered to site on Friday and Saturday evenings and collected on the following morning between 4-5am to allow for street cleansing and ensuring no negative impact on the day-time economy. They also have a sign on them stated that they are funded on a trial basis by the licensed trade in the Borough.

5.33 The contract company also provides an estimate of each urinal's usage each weekend, which ranges from 56 people to 560 people.

5.34 During year 5 of the Levy (2022/23) a third toilet was added. This was placed at Grove Road E9. However, in February 2023 the decision was made to move it to another location. This was due to low usage data being return by the toilet provider. It was then moved to White Post Lane Junction of Rothbury Road, where it become the most used of all three toilets.

As well as the third toilet it became necessary to relocate the toilet on Sclater Street because of highway repair being done on Sclater Street. The toilet was relocated to Club Row. However, following a complaint about the location of this toilet and the completion of the street repairs the toilet was moved back to Sclater St.

5.35 the Sclater Street toilet was relocated to the corner of Cavate Avenue and Boundary Street due to ongoing reports of street urination in that area. This was also in partnership with the London Borough of Hackney, who place a toilet near to this site. However, the toilet was moved back to corner of Sclater Street and Bethnal Green Road on 28th January 2022. This was because of low usage, possibly because of two toilets being located so close together.

5.36 **Late Night Levy Officer**

Role:

- Coordinate the Levy Initiatives,
- Increase in Best Bar None **Page 45**
- Increase in compliance with licensing,

- Better engagement with licensed businesses, with ability to promote national initiatives such as Ask Angela, or Operation Make Safe, WAVE Training.

5.37 This post manages the Late Night Levy, coordinating the Initiatives funded by the levy. This role also includes attending Pub Watch Meetings and Liaison with the Best Bar None Scheme.

5.38 The post holder also attends the multi-agency forum to provide feedback on the Levy initiatives' weekly outcomes.

5.39 During year 5 of 2022/23, in partnership with the Met Police and London Borough of Hackney, face-to-face Welfare and Vulnerability Engagement (WAVE) training. This now runs the first Tuesday of each month, with the venue alternating between Tower Hamlets and Hackney (Professional Development Centre, and Tomlinson Centre, respectively). Since June 2022 we have run a total of sessions 6 (10 in total between Tower Hamlets and Hackney) with attendance ranging from 30 to 60 people per session. We also ran an additional World Cup focused WAVE training session on 15th November 2022, which was a hybrid session.

5.40 As well as the Welfare and Vulnerability Engagement Training that includes Ask for Angela, Tower Hamlets and Hackney Violence Against Women and Girls (VAWG) Services worked with Licensing and Met Police to include Misogyny in the Nighttime Economy as an additional session run at the conclusion of the WAVE session. Now at the end of 2022/23 WAVE and Misogyny and Sexual Harassment have been fully incorporated in to one session run in partnership with Met Police, Tower Hamlets and Hackney VAWGs and Licensing Services.

6 **EQUALITIES IMPLICATIONS**

6.1 These late-night inspections will ensure:

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

7 **OTHER STATUTORY IMPLICATIONS**

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

7.2 **Best Value Implications**

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

7.3 **Environmental considerations**

cleaning and additional big belly bins. The additional toilets also provide a positive in preventing street urination within the borough.

7.4 Risk Management

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

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

7.5 Crime and disorder reduction implications

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

8 COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 There are no financial implications emanating from this report which provides an update on the annual performance of the late night levy scheme. The license fees are set by Central Government, with 30% being retained by the Council and 70% transferring to MOPAC. The Council uses its share of the license fee to administer the scheme and fund initiatives in relation to the night time economy.

9 COMMENTS OF LEGAL SERVICES

- 9.1 The late-night levy (“the Levy”) is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This power allows licensing authorities to charge a levy to persons who are authorised to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 9.2 The levy must cover the whole of the licensing authority’s area. However, the Council chooses the period during which the Levy applies every night, between midnight and 06:00 hours, and may decide whether exemptions or reductions should be applied.
- 9.3 There are restrictions on the types of services that licensing authorities can fund with the Levy revenue to ensure that the Levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the nighttime economy. The Council can deduct permitted administration, collection and enforcement costs from the gross levy revenue. The report at paragraph 1.3 refers to the annual publication requirements in respect of the Levy.
- 9.4 The 2011 Act provides that the police are entitled to receive at least 70% of the net levy revenue. The Council may retain up to 30% of the net levy revenue to fund other activities besides policing.
- 9.5 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance

equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Whilst that does not apply specifically to this report, which is for noting purposes only, it would apply to all decisions taken in respect of the Levy, including the activities to be funded by the Levy.