

# Licensing Committee

## Agenda

**Thursday, 13 June 2024 at 7.15 p.m.  
Council Chamber - Town Hall, Whitechapel**

### Members:

**Chair:** Councillor Peter Golds

Councillor Faroque Ahmed, Councillor Leelu Ahmed, Councillor Musthak Ahmed, Councillor Suluk Ahmed, Councillor Sabina Akhtar, Councillor Kabir Hussain, Councillor Shahaveer Shubo Hussain, Councillor Asma Islam, Councillor Ahmodul Kabir, Councillor Ahmodur Khan, Councillor Abdul Malik, Councillor Ana Miah, Councillor Rebaka Sultana and Councillor Bellal Uddin

[The quorum for this body is 3 voting Members]

### Contact for further enquiries:

Simmi Yesmin, Democratic Services Officer,

[simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)

020 7364 4120

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



## Public Information

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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, 13 June 2024

7.15 p.m.

### **APOLOGIES FOR ABSENCE**

#### **1. ELECTION OF VICE-CHAIR**

To receive nominations for Vice-Chair of the Licensing Committee for the municipal year 2024/25.

#### **2. 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

#### **3. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 9 - 12)**

To confirm the minutes of the meeting of the Licensing Committee held on 18 January 2024 as an accurate record of the proceedings.

#### **4. ITEMS FOR CONSIDERATION**

##### **4.1 Licensing Committee, Terms of Reference, Membership, and Quorum (Pages 13 - 20)**

##### **4.2 Establishment of Licensing Sub Committees, Terms of Reference & Meeting Dates (Pages 21 - 30)**



#### **4 .3 Late Night Levy: Annual Review (Pages 31 - 48)**

#### **4 .4 Prosecutions and Appeals Report (Pages 49 - 56)**

#### **Next Meeting of the Licensing Committee**

Thursday, 19 September 2024 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 2

## **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.

## **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 6.35 P.M. ON THURSDAY, 18 JANUARY 2024**

**COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL**

**Members Present in Person:**

Councillor Ana Miah  
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 Rebaka Sultana

**Apologies:**

Councillor Faroque Ahmed

**Officers Present in Person:**

Tom Lewis	(Team Leader - Licensing Services)
Jonathan Melnick	(Principal Lawyer-Enforcement)
David Tolley	(Head of Environmental Health and Trading Standards)
Thomas French	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 Sub Committee meetings held on 14<sup>th</sup> June, 26<sup>th</sup> September and 26<sup>th</sup> October 2023 were agreed as a correct record.

**3. ITEMS FOR CONSIDERATION****4. LICENSING ENFORCEMENT**

David Tolley, Head of Environmental Health and Trading Standards, introduced the report that reviewed the outcomes of late-night inspections and enforcement in connection with licensed premises undertaken by the Environmental Health and Trading Standards Service. Inspections are carried out late at night to premises where intelligence is received alleging a contravention of the Licensing Act 2003. The service also has a programme of enforcement visits that included test purchasing of age restricted products.

Tom Lewis, Licensing Team Leader, provided further detail.

Further to questions from the Committee, David and Tom:

- Explained the reason for the decrease in the number of licensing visits between 2022 and 2023.
- Provided background on and the rationale for use of Park Guards in enforcement activity.
- Provided an overview of coordination between Tower Hamlets Council and Hackney Council licensing enforcement.
- Provided information on the status of SEVs and how many are currently active in the borough.
- Provided more detail on the process of commissioning test purchases, including when formal legal action/prosecution would be pursued.
- Processes to alert new businesses about licensing requirements, such as the need for a license for food sales after 11pm. Infractions could be raised by the food team, or by residents making complaints.
- Provided information on the Team's timescales and targets for complaint investigations.
- Report specific case of unlicensed street trading to Tower Hamlets Enforcement Officers for proper action Request for impressive report on local authority food standards and safety from Safer and Stronger Communities Board of the Local Government Association

Further to questions, the Committee made the following observations:

- Having comparative data from neighbouring local authorities would assist the Committee to assess the Council's licensing enforcement performance.
- A process to identify and communicate licensing requirements to new businesses proactively would be beneficial, as Councillors sometimes receive complaints that no advance warning of licensing requirements is provided.


**RESOLVED** that the Licensing Committee:

1. Notes the activity that has been undertaken by the Environmental Health and Trading Standards Service with regards to regulating late night licensed premises

The meeting ended at 7.16 p.m.

Chair, Councillor Ana Miah  
Licensing Committee

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Non-Executive Report of the:  <b>Licensing Committee</b>  Thursday 13 June 2024	
<b>Report of:</b> Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Licensing Committee, Terms of Reference, Membership, and Quorum</b>	

<b>Originating Officer(s)</b>	Simmi Yesmin
<b>Wards affected</b>	(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 2024/2025 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 & 2 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 15 May 2024, Council re-established the Licensing Committee and had 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 15 May 2024, agreed a schedule of dates for Committees/ Panels for the Municipal Year 2024/2025. The dates agreed for the Licensing Committee are as follows:-
- 13 June 2024
  - 19 September 2024 (SEV)
  - 16 January 2025
  - 03 April 2025
- 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, Whitechapel in accordance with the programme of meetings. Licensing Sub Committees also usually 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 noting of the Committee's Terms of Reference and membership.

## **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 15 May 2024.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

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

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

#### **List of "Background Papers" used in the preparation of this report**

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

- None

#### **Officer contact details for documents:**

N/A

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### 13. Licensing Committee

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

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

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

Functions	Delegation of Functions
<p>1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act</p>	<p>The Corporate Director, Communities (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, Communities (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 1982 (as amended) regarding the control of sex establishments within the Borough</p>	<p>The Corporate Director, Communities (or any officer authorised by them) has the authority to consider and determine all applications for licences where no</p>

	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, Communities (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, Communities (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, Communities (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:**

- Constitution Part C, Section 34 (Licensing Code of Conduct)
- Licensing procedure rules Part D Section 54

## **Licensing Committee Meeting Dates 2024-2025**

- 13 June 2024
- 19 September 2024 (SEV)
- 16 January 2025
- 03 April 2025

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

***Aspire Group (8)***

***Labour Group (6)***

***Ungrouped (1)***

Councillor Musthak Ahmed

Councillor Suluk Ahmed

Councillor Kabir Hussain

Councillor Ahmodul Kabir

Councillor Ahmodur Khan

Councillor Ana Miah

Councillor Bellal Uddin

Councillor Abdul Malik

Councillor Faroque Ahmed

Councillor Leelu Ahmed


Councillor Sabina Akhtar

Councillor Shahaveer Shubo Hussain

Councillor Asma Islam

Councillor Rebaka Sultana

Councillor Peter Golds

Non-Executive Report of the:  <b>Licensing Committee</b>  Tuesday, 13 June 2024	
<b>Report of:</b> Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Establishment of Licensing Sub Committees, Terms of Reference &amp; Meeting Dates</b>	

<b>Originating Officer(s)</b>	Simmi Yesmin, Democratic Services
<b>Wards affected</b>	(All Wards);

### Executive Summary

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

### Recommendations:

The Licensing Committee is recommended to:

1. Note the Licensing Sub Committee's Terms of Reference and Schedule of meetings attached as Appendix 1 to this report.
2. Agree to the establishment of Licensing Sub Committees to determine applications where representations have been made.
3. Determine which members of the Licensing Committee are appointed as Licensing Sub Committee chairs.

## **1. REASONS FOR THE DECISIONS**

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

## **2. ALTERNATIVE OPTIONS**

- 2.1 Not applicable.

## **3. DETAILS OF THE REPORT**

- 3.1 In accordance with the Licensing Act 2003, Full Council at its meeting held on 15 May 2024 established a Licensing Committee consisting of 15 Members with powers to appoint Sub Committees to consider and determine Licensing applications.
- 3.2 The Licensing Act 2003 allows a Sub Committee to consist of three Members and the quorum for Sub Committees is also three Members. It is therefore imperative that Members commit to attending Sub-Committee meetings they are appointed to.
- 3.3 The previous Licensing Committee agreed that all Members of the Licensing Committee would be eligible to serve on its Sub Committees and appointed specific Members of the Committee to Chair Sub Committee meetings. Members will be invited to nominate themselves or other Members of the Committee to be appointed Sub-Committee Chairs at this meeting (there is specific limit to the number of Sub-Committee Chairs that can be appointed).
- 3.4 Proportionality rules do not apply to Licensing Sub Committees; a Sub Committee can be constituted with one named Chair (drawn from the pool of chairs as determined by the Committee) and any other two Members of the Committee. (Wherever possible, and in line with Licensing Guidance, Members will not be asked to consider applications for premises within their Ward).
- 3.5 Although Council has approved a schedule of dates for Licensing Sub Committee meetings, it may be necessary to alter these dates and/or arrange additional meetings depending on the number of applications which require a hearing (In accordance with the Director of Legal's Scheme of Delegation at Section 50 of the Constitution, officers have delegated powers to convene and rearrange meetings of the Sub Committee).
- 3.6 Licensing Sub Committees usually start at 6.30pm but it may be necessary to amend start times for individual meetings where doing so is deemed to be

advantageous taking into account such factors as on the number of applications and members' availability.

3.7 Members are also asked to note the Terms of Reference and the Schedule of Licensing Sub Committee meetings (attached as Appendix 1 to this report).

3.8 Officers have currently undertaken work on reviewing the establishment of the Licensing Sub Committees and refreshing its terms of reference. Proposals from this review will be brought to a future committee meeting for Members to agree and note.

#### **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 proposals within this report. Any costs associated with member attendance and other allowances will be contained within existing budgets.

#### **7. COMMENTS OF LEGAL SERVICES**

7.1 Section 6 of the Licensing Act 2003 ("the 2003 Act") provides that each Licensing Authority must establish a Licensing Committee consisting of at least ten, but not more than fifteen, members of the authority.

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

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

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

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

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

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



- None

**Officer contact details for documents:**

- N/A

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#### 14. Licensing Sub-Committee

**Summary Description:** This sub-committee of the Licensing Committee meets to determine a number of licensing matters such as to grant, review or vary a license submitted under the Licensing Act 2003.

**Membership:** The membership for each individual meeting is made up of any three Member of the Licensing Committee.

<b>Functions</b> The Sub Committee(s) shall consider applications submitted in accordance with the requirements of the Licensing Act 2003, including:	<b>Delegation of Functions</b>
1. Determination of applications for a premises licence where representations have been made (Section 18(3) of the Licensing Act 2003)	None
2. Determination of applications for provisional statements where representations have been made (Section 31(3) of the Licensing Act 2003)	None
3. Determination of applications to vary a premises licence where representations have been made (Section 35(3) of the Licensing Act 2003)	None
4. Determination of applications to vary a premises licence to specify an individual as premises supervisor following police objection (Section 39(3) of the Licensing Act 2003)	None
5. Determination of applications for transfer of a premises licence following police objection (Section 44(5) of the Licensing Act 2003)	None
6. Consideration of police objection made to interim authority notice (Section 48(3) of the Licensing Act 2003)	None
7. Determination of applications for a review of a premises licence (Section 52(2) of the Licensing Act 2003)	None
8. Determination of interim steps pending summary review (Section 53A(2)(a) or 53B Licensing Act 2003)	None
9. Determination of applications for club premises certificate where representations have been made (Section 72(3) of the Licensing Act 2003)	None
10. Determination of applications to vary a club premises certificate where representations have been made (Section 85(3) of the Licensing Act 2003)	None
11. Determination of applications for review of a club premises certificate (Section 88(3) of the Licensing Act 2003)	None
12. Determination of counter notice following objection to a temporary event notice (Section 105(2) of the Licensing Act 2003)	None

13. Determination of applications for grant of a personal licence following police objection (Section 120(7) of the Licensing Act 2003)	None
14. Determination of personal licence where convictions come to light after the grant or renewal of the personal licence (Section 124(4) of the Licensing Act 2003)	None
15. Determination of the review of a premises licence following a closure order (Section 167(5) of the Licensing Act 2003)	None

**Quorum:** 3 Members of the Sub-Committee

**Additional Information:**


- Constitution Part C, Section 34 (Licensing Code of Conduct)
- Licensing procedure rules Part D Section 54

## **Licensing Sub Committee**

### **Meeting Dates– 2024/2025**

- 18 June 2024
- 25 June 2024
- 02 July 2024
- 18 July 2024
- 06 August 2024
- 12 September 2024
- 24 September 2024
- 08 October 2024
- 29 October 2024
- 12 November 2024
- 19 November 2024
- 03 December 2024
- 12 December 2024
- 07 January 2025
- 21 January 2025
- 11 February 2025
- 25 February 2025
- 04 March 2025
- 20 March 2025
- 10 April 2025
- 01 May 2025
- 27 May 2025
- 10 June 2025
- 26 June 2025

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Non-Executive Report of the:  <b>Licensing Committee</b>  13 <sup>th</sup> June 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Tom Lewis Service Manager – Regulatory Services (Commercial)	<b>Classification:</b> Unrestricted
<b>Late Night Levy: Annual Review</b>	

<b>Originating Officer(s)</b>	Ibrahim Hussain Licensing Officer - Trading Standards & Licensing
<b>Wards affected</b>	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 1<sup>st</sup> January 2018. From that date, any licence holder (premises licence and/or club premises certificate) permitted to sell (or supply in the case of a club premises certificate) 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 2023/24 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 6 (2023/24) was £258,879.
- 5.5 The Council is entitled to deduct its administration costs from the introduction and management of the Levy. Our only costs deducted are for the Late Night Levy Officer role. This is an officer who manages the 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 2023/24 is £55,516 (this includes parking permit costs).



- 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. In previous years other initiative were agreed via the CSP, which included portable toilets, Welfare and Vulnerability Engagement (WAVE) Training. This year CSP agreed additional initiatives of CCTV Cameras, Medic Patrols and Radio Linked System for Premises and Night Time Patrols. The below table shows the total spend on each of the initiatives this year.

<b>Late Night Levy (LNL) Spent 2023/24 (Year 6)</b>	
<b>Initiative</b>	<b>Total cost (£)</b>
Additional Police Serials Patrols	166, 679
Street Pastor Patrols	57,505
Additional Street Cleansing/Sweeping	93,192
Street Cleansing/Sweeping Audit Check	8,640
Portable Urinals	110,035
Street structure permits (urinals)	14,308
Room Hire (WAVE Training)	1,440
Medic Patrols	17,797
CCTV Cameras	38,040
<b>Total</b>	<b>507,638</b>

Total spend including Coordinator role = **£563,154**

**Total estimated budget for 2024/25 (Year 7) = £413,000**

#### 5.7 Surplus update

- 5.8 In 2022/23 the total estimated budget was £588,000, which gave an estimated surplus of £318,488. This combined the total revenue brought in from the LNL in 2021/22 plus any surplus left over. Due to the large surplus that had built up mainly as a result of the Coronavirus pandemic, we took the decision to introduce additional initiatives in 2023/24 to bring down the surplus. The figures above show that this has worked with the surplus now £155,602.

#### 5.11 Levy Initiatives Roles and Outcomes

#### 5.12 **Additional Police Patrols**

- 5.13 The Grant is being utilised to ensure officers are deployed on overtime with the following objectives.

Role:

- Reduction of crime and disorder linked to licensed premises.

- Increase public safety.
- Potential reduction in minor crimes due to more police presence.
- Potential decrease in street urination.

The Patrols should be executed on the following schedule as resources permit:

- Friday 10pm to 6am
- Saturday 10pm to 6am
- Sunday 10pm to 6am If there is a bank holiday Monday preceding it.

- 5.14 The additional police work a shift pattern of 7 Officers (1 Police Sergeant and 6 Police Constables) working 2 nights per week (Friday/Saturday) and additional Sunday nights where the Sunday precedes a bank holiday Monday. There are also the additional quarterly projects, such as operations to tackle Nitrous oxide sellers outside late night venues.
- 5.15 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.
- 5.16 In year 6 (2023/24), approximately 87 tasked patrols of the borough were completed by the additional police. Their role is to be a uniformed presence on the streets to deter crime and disorder and promote a safer night-time economy.
- 5.17 Patrols will have a minimum of one officer who has received Welfare and Vulnerability Training (WAVE). Where a patrol is unable to fulfil this requirement, the reasons must be detailed in the written results of the patrol provided back to the Council.
- 5.18 The Basic Command Unit will prepare and provide data on a weekly basis to evidence the following key performance Indicators:
- Location/area patrolled and time.
  - Number of visits to licensed premises engagement/enforcement.
  - Number of actions to stop minor crimes e.g. street urination, including location and any link to licensed premises.
  - Number of persons assisted in getting home/needing assistance due to intoxication, incl. any links to licensed premises.
  - Number of people moved on (dispersal) including number moved for noise, and number moved for drink drinking,
  - Number/location of street drinkers observed and potential link to licensed premises.
- 5.19 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 nitrous oxide), 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:

- Arrest of adult male with possession of an offensive weapon (a machete), possession of cannabis, and breaching public order.
- Arrested male for assault on a security guard of a Tower Hamlets venue.
- Two females found acting suspiciously and then began talking about narcotics, so they were stopped for a search. One was detected using cannabis and received a community resolution.
- Officers responded to an urgent help request from colleagues who recovered a huge machete from a suspect. The suspect was detained on charges of possession of an offensive weapon.
- Assisted Tower Hamlets Enforcement Officers (THEOs) in dealing with obstruction of highway resulting in a male being issued Fixed Penalty Notice (FPN) for obstruction of the highway.
- Assisted male who had tripped suspected he had broken his arm. Male was transported to Royal London Hospital A&E.
- Supported THEOs in dealing with an unlicensed music event (UME) music stopped and persons (who turned out to be squatters) move from the location.
- Street urinating was detected, and evidence obtained, assisted THEOs to issue FPNs for the offence.
- Intoxicated female assisted in locating her Uber so she could safely get home. Assisted the venue in handling with drunk individuals and dispersed nitrous oxide vendors.
- Special Project - VAWG Car observed a female being followed closely by a male. Police met with the female, who indicated that she resides in Canary Wharf and that the police dropped her off at home for her own personal safety.

#### Nitrous oxide /Unlicensed food Stalls

- 5.20 In July and August 2023, two nitrous oxide operations were organised, which utilised Late Night Level Serial Police Patrols. This was in partnership with Community Safety, THEOs, CCTV, PTF and Licensing Officers, from Environmental Health and Trading Standards. The objective was to disrupt nitrous oxide 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 psychoactive substances.
- 5.21 The operation targeted Hackney Wick and Wapping as well as other areas within the borough based on intelligence. The result of these operations are summarized below:

## July 2023

- 11 FPNs nitrous oxide /traders
- ASB warning - 6 ASBW
- 40 nitrous oxide cylinders sized.
- 1 group selling nitrous oxide were disrupted and the canisters seized.
- 1 dispersal order issued.
- Several people dispersed with the warning of a dispersal.
- 2 arrests – 1 for nitrous oxide and 1 for driving under the influence or drink or drugs.
- 2 food stalls were shut down and issued fines at Hackney Wick which subsequently significantly lowered the crowd over both nights and lowered the demand/crowd for nitrous oxide.



## August 2023

- 7 FPNs issued and details obtained for males involved in nitrous oxide use/supply and the disruption of nitrous oxide supply.
- 16 nitrous oxide cylinders seized.
- Approximately 40 people dispersed with verbal warnings without having to get to enforcement stage.
- 15 cars utilised for nitrous oxide selling/use dispersed from the area of Pennington Street.
- 4 high visibility patrols across both sites on both nights making our presence known and crime prevention.

5.22 A further operation was scheduled for October 2023; however, this was cancelled due to the Misuse of Drugs Act 1971 (Amendment) Order 2023, which was made on 11<sup>th</sup> October 2023. This came into force on 8<sup>th</sup> November 2023 and added nitrous oxide as a class C drug. As a result, it would not have been appropriate to take action under the Powers of the psychoactive substances Public Space Protection Order (PSPO).

### 5.23 **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.

- 5.24 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'.
- 5.25 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.
- 5.26 In year 6 (2023/24) the Street Pastors completed approximately 92 patrols.
- 5.27 There have been a number of positive outcomes from the patrols, such: as preventing disorder and disrupting drug use/dealing (including nitrous oxide ); assisting persons within the nighttime economy e.g., providing water, breakfast bars, rain ponchos, hats, 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:
- Intelligence gathered to assist special project and direct police patrols. These related to reports of large nitrous oxide canisters and cannabis use.
  - Approximately 2155 glass bottles were collected from the busy street. Supplied people with 420 water bottles, heated blankets, flip flops, and lollipops.
  - Assisted 31 persons in moving on, including those who were displaced for noise nuisance.
  - Assisted one drunk young man who was difficult to walk, provided water, and assisted his friends in calling an Uber. Stayed with them until Uber arrived.
  - Assisted venue in dealing with a problematic and intoxicated member of the public who kept collapsing outside the venue. The street pastors gave him water, assisted him in calling an Uber, and waited with him until the Uber arrived.
  - Assisted venue in dealing with a group of people one of whom was intoxicated they were offered water and assistance.
  - Assisted intoxicated vulnerable woman at a bus stop providing a hat, gloves, socks, lollipops, chocolate, and water and helped her get on the bus home.
  - Assisted a young female who was very inebriated and whose Uber driver had cancelled on her. The team scheduled a new Uber for her.
  - Assisted a distressed female who was lost in ordering a taxi.

- A car accident occurred resulting in a woman with a head wound. The street pastors team provided first aid and water and called for ambulance/police.

## 5.28 Enhanced Cleaning/Sweeping

Role:

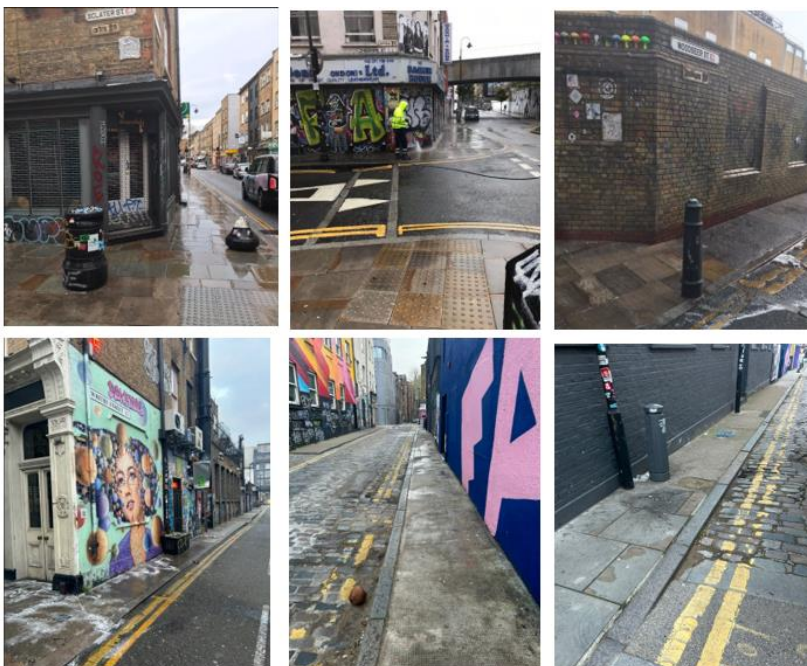
- Enhanced cleaning and sweeping of street to reduce impact of night-time economy on day-time economy
- Reduce littering.

5.29 There are four Big Belly smart solar bins that were purchased with levy funds. These are located on Brick Lane, Bethnal Green Station, near Columbia Road and on White Post Lane. The bins 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.

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

5.31 In 2023/24 we added street sweeping as well as the additional street cleansing paid for via Levy revenue. This provides additional cleansing and sweeping streets within the Borough where they are or are likely to be adversely affected by the late-night licensing economy. We also redesigned the SLA with the Waste Team to allow for the Licensing Enforcement Forum (LEF) to request additional streets not included in the main list, with a feedback system to ensure results of any requested cleanse/sweep were notified back to the LEF the next week.

5.32 Below are some photographs of cleaning of these streets.



5.33 External audits of the street sweeping were conducted to verify that the quality of service. This provided feedback where money was subtracted from the quarterly payments if the standard fell short.

#### 5.34 **Portable Urinal**

Role:

- Prevent street urination in the borough.

5.35 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. In 2022/23 a third toilet was added and the locations are currently the corner of Sclater Street and Bethnal Green Road, Brick Lane down from Jack the Chipper, and White Post Lane with the junction of Rothbury Road.



Brick Lane



Sclater Street/Bethnal Green Road



White Post Lane/Rothbury Road

- 5.36 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.



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

### 5.38 **Medics Patrols**

Role:

- Increase public safety and wellbeing.
- Reduce other patrols time dealing with injured/vulnerable person.
- Promote a safe late-night economy.
- Provide positive effect on burden of London Ambulance Service (LAS)/NHS.

5.39 A pilot was agreed by Community Safety Partnership (CSP) for a medic patrol to be trialed as part of the Levy initiatives. This saw the introduction of medic patrols operating on Friday and Saturday night from 22:00 to 04:00 hours, and Sunday where it preceded a bank holiday. This pilot commenced at the end of August and ran through to the end of December inclusive of the New Year's Eve. However, additional patrols were done over Valentines' and Easter Weekend. The patrols were tasked in the same way as the Street Pastors and the Police, i.e. tasked by the Licensing Enforcement Forum (LEF).

5.40 In total the medics completed 43, and towards the latter part of the patrols they were linked to other patrols and venues via their mobile number. They have proved successful at assisting with injured persons and those under the influence of alcohol and drugs and have assisted THEOs to enable them to continue with their duties rather than waiting with injured persons. Below are a few examples of the positive impact on the late-night economy within the borough. It should also be mentioned the CSP have agreed for this initiative to be continued to become one of the main patrols.

- Premises called re inebriated person, very drunk, sobered up with water, and was able to make it home with a friend 30 minutes later.
- Call from THEO regarding person being found unwell, had taken drugs, Naloxone was administered, and an ambulance was called. LAS arrived at 02:33 hours and the patient was brought to A&E for treatment for an overdose.
- Robbery/Assault; person was punched in head, blood loss, blood loss from ears. LAS took over when they arrived with police on site as well.
- Confused male found, all observations fine, person was walked home and made safe, person had no food at home, THEO's, LAS, and local authorities, informed and safeguarding issues raised.
- Patrol assisted a venue's security team. Person had consumed five pints of beer and claims to be unwell; no other medical difficulties exist; discharged into the hands of friends to travel home on their own.

#### 5.41 **Radio Link System**

Role:

- Promote a safe late-night economy.
- Reduce crime and disorder.
- More efficient use of late night patrols.
- Greater engagement with late night venues.

5.42 During 2023/24 CSP agreed another pilot for a radio link system to link up all the night time patrols (not just the ones funded by the Late Night Levy) and venues, similar to the London Borough of Hackney. It was agreed to do this in two phases: phase one; link the night time patrols, phase two; link the LNL payer venues, commencing with Hackney Wick. Phase one has been achieved. Phase two is due to be achieved in 2024/25. CSP has agreed for the initial pilot for the Radio Link System for venues in Hackney Wick to run for six months. Then if successful it could be expanded to the rest of the borough.

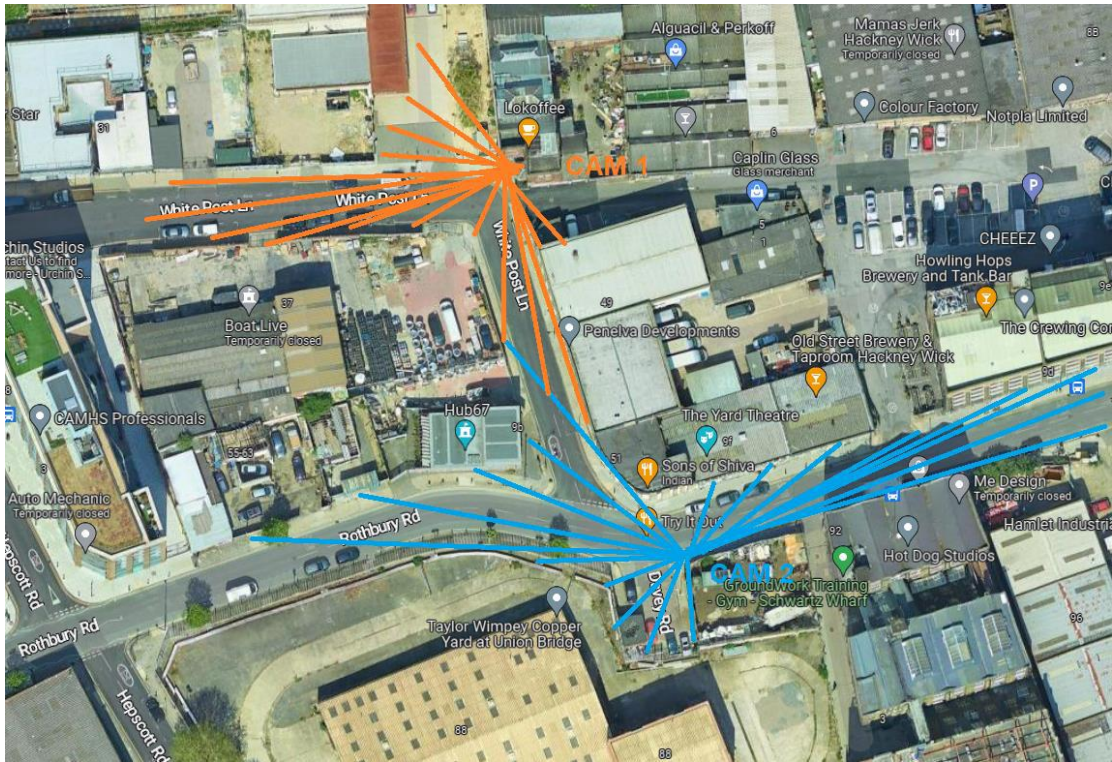
5.43 The cost of the system is negligible for the phase as Community Safety already had spare radios we could use, and Police already have access to a radio. However, we have had to purchase one for the street pastors at a cost of £753.00. Phase two is estimated to cost in the region of £300 one radio/charger, per year.

#### 5.44 **Additional CCTV Cameras**

Role:

- Reduce crime and disorder.
- Ensure better evidence gathering for crimes committed in the areas.
- Ensure better intelligence for more targeted actions.

5.45 This initiative was agreed by CSP towards the end of quarter 4 of 2023/24 and was requested by the Police. The request was for two CCTV cameras to be placed in Hackney Wick in the locations shown in the map below. The reasons are due to the area having no Police or Council CCTV cameras, which considering the size of both the Night Time Economy and the growing residential population the Police felt having these cameras would assist in ensuring public safety in the area and prevent or help deal with crime and disorder.



5.46 The cost of the camera was £38,040, and this is a one-off cost with no ongoing charges, because Community Safety agreed to cover any ongoing costs as part of the maintenance of their CCTV cameras within the borough. The cameras are being managed on a day-to-day basis by the Council's CCTV control rooms who can use these cameras as they do other within the borough.

**5.47 Late Night Levy Officer**

Role:

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

5.48 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.

5.49 The post holder also attends the multi-agency meetings to provide feedback on the Levy initiatives outcomes.

**5.50 Conflict Awareness training**

Though a provider and contract was set up in 2023/24 we were unable to get a session delivered by year end. This will now be delivered in year 7 (2024/25).

The training itself is aimed at providing licence holders with the skills to deal with conflict resolution. This will also assist in building on the skills previously learned from the Welfare and Vulnerability Engagement (WAVE) Training.

5.51 Welfare and Vulnerability Engagement (WAVE)

During year 6 (2023/24), we continued our partnership with the Police and the London Borough of Hackney to face-to-face WAVE training. This runs the first Tuesday of each month, with the venue alternating between Tower Hamlets and Hackney (Professional Development Centre, and Tomlinson Centre, respectively). In 2023/24 there were approximately 10 sessions held between the Tower Hamlets and Hackney with average attendance at each session being 30-35 people.

5.52 These WAVE training sessions include a custom build module on misogyny in the night time economy, which was developed between the Violence Against Women and Girls (VAWG) lead officers in Hackney and Tower Hamlets. As a result, these sessions have also been used to promote the multi-borough anti-misogyny campaign, #dontcrosstheline. This was developed by Tower Hamlets, Hackney, and City of London.

5.53 #dontcrosstheline – anti misogyny campaign

This was developed by Tower Hamlets, Hackney and City of London to tackling harassment and misogyny on nights out. It was implemented for the start of the 16 Days of Activism against Gender-Based Violence in 2023. The LNL Coordinator worked with their counterpart in Hackney to get information and paraphernalia relating to this campaign out to the LNL Patrols (police, street pastors and medic patrols), as well as THEO Patrols, and Town Centres Teams. A joint letter was also organised and distributed to approximately 200 licensed premises within the borough, as well as being sent to all 4 Pub Watch Chairs (Hackney Wick, Bethnal Green, Brick Lane, Canary Wharf). The campaign can be accessed via the Council's website and a copy of what the posters look like can be seen below.

[https://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/community\\_safety\\_crime\\_preve/domestic\\_violence/VAWG-Service-Directory/DontCrossTheLine.aspx](https://www.towerhamlets.gov.uk/lgnl/community_and_living/community_safety_crime_preve/domestic_violence/VAWG-Service-Directory/DontCrossTheLine.aspx)



## **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**

There is a positive impact on the environment provided by the additional street 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.

A 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 This report provides an update on the activities undertaken relating to the Late Night Levy. The Levy is charged on premises permitted to sell or supply alcohol between the hours of midnight and 6am. The charge is set by Central Government in bands relating to the rateable value of the property.
- 8.2 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, at Tower Hamlets 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).
- 8.3 The Levy is collected at the same time as the premise license and the income collected is ringfenced and spent on activities and resources which benefit the late-night economy. Any unspent income is transferred to the late night levy reserve and where spend exceeds the income levels collected in a given year, the balance is funded from this reserve. The reserve balance at the end of 2022/23 was £460k.
- 8.4 In 2023/24 the Council collected £259k in income relating to the late night levy. Spend in year approved by the CSP totalled £563k, including admin costs of £56k. As a result, a £304k reserve drawdown was made to fund this additional spend, leaving a balance of £156k in the late night levy reserve. This reserve balance can be used to fund additional activities above those paid for from the income collected in year in 2024/25.

## **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.

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# Agenda Item 4.4

Non-Executive Report of the:  <b>Licensing Committee</b>  13 <sup>th</sup> June 2024	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Interim Director of Legal & Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Update in relation to Prosecutions and Appeals – Quarter 4 2022/23 Quarters 1-3 2023/24</b>	

<b>Originating Officer(s)</b>	Jonathan Melnick – Principal Lawyer – Enforcement
<b>Wards affected</b>	All wards

## Summary

- 1.1 At its meeting on 4<sup>th</sup> 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 2022/23 (January to March 2023 and Quarters 1 – 3 2023/24 (April to June 2023, July to September 2023 and October to December 2023).**

## **Recommendations:**

The Licensing Committee is asked to:

1. Note the information provided in the report.

### **1. REASONS FOR THE DECISION**

- 1.1 This report is for the information of the Committee. No specific decision is required.

### **2. ALTERNATIVE OPTIONS**

- 2.1 N/A

### **3. DETAILS OF REPORT**

- 3.1 The London Borough of Tower Hamlets is responsible for granting licences under a number of different statutory regimes. Licences will frequently have conditions imposed upon them, whether by statute or by the Licensing Committee (or Sub-Committee). Among the Authority's functions are requirements to ensure compliance with any such conditions imposed on the licences that it grants and to consider taking appropriate action against such breaches or where premises operate without the requisite licence. The Authority 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 under that Act 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, special treatment licences granted under the London Local Authorities Act 1991, and sexual entertainment venue (SEV) licences under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 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 22/23 one prosecution was concluded.

During Quarters 1, 2 & 3 23/24 three prosecutions were concluded.

	<b>Quarter 4 2022/23</b>	<b>Outcome:</b>
1	<p>MS Ltd. Underage sale of alcohol, exposing alcohol for unauthorised sale, failure to display statutory tobacco notice</p> <p>HSG (director and seller) Underage sale of alcohol, exposing alcohol for unauthorised sale, failure to display statutory tobacco notice</p>	<p>Guilty pleas Fined £461 (underage sale, no separate penalty on other offences) Victim surcharge £34.00 Costs £2,561.70</p> <p>Guilty pleas Fined £153.00 (underage sale, no separate penalty on other offences) Victim surcharge £34.00 No order as to costs</p>
	<b>Quarter 1 2023/24</b>	<b>Outcome</b>
1	<p>DB Ltd. Underage sale of alcohol, exposing alcohol for unauthorised sale (x2), failure to display statutory tobacco notice</p> <p>DK (director) Underage sale of alcohol, exposing alcohol for unauthorised sale (x2), failure to display statutory tobacco notice</p> <p>MS (director) Underage sale of alcohol, exposing alcohol for unauthorised sale (x2), failure to display statutory tobacco notice</p>	<p>Guilty pleas Fined £9,305.00 (underage sale, no separate penalty on others) Victim surcharge £2,000.00 Costs £1,655.00</p> <p>Guilty pleas Fined £471.00 (underage sale, no separate penalty on others) Costs £1,655.00</p> <p>Guilty plea to tobacco notice (no evidence offered on remainder) Fined £100.00</p>

	<b>Quarter 2 2023/24</b>	<b>Outcome</b>
1	GNWA Ltd. Breach of special treatment licence x2  CKK Breach of special treatment licence x2	No evidence offered (company dissolved before trial)  Convicted after trial Fined £500.00 per offence Victim surcharge £50.00 Costs £6,961.25
	<b>Quarter 3 2023/24</b>	<b>Outcome</b>
1	HH Unauthorised licensable activity (late night refreshment)  IH Unauthorised licensable activity (late night refreshment)	Guilty plea Fined £126.00 Victim surcharge £34.00 Costs £500.00  Acquitted after trial

### **Appeals**

During Quarter four 2022/23 three appeals were concluded.

During Quarters one, two and three 2023/24 three appeals were concluded.

	<b>Quarter 4 2022/23</b>	<b>Outcome</b>
1	Oval Space Ltd. Oval Studios 29-32 The Oval London E2 9DT	Appeal against decision of LSC to revoke premises licence following expedited review.  Appeal withdrawn 24 <sup>th</sup> January 2023
2	Huq Neighbours Ltd. 117A Parnell Road London E3 2RT	Appeal against decision of LSC to revoke premises licence following under age sales.  Appeal dismissed 28 <sup>th</sup> February 2023. Appellant to pay Council's costs of £7,800.00
3	Raj Singh Jani Old Ford Supermarket 389 Roman Road London	Appeal against decision of LSC to revoke premises licence following out-of-hours sales and use of

	E3 2LU	premises for storage of illicit tobacco.  Appeal withdrawn on 14 <sup>th</sup> March 2023. Appellant to pay Council's costs of £1,500.00.
	<b>Quarter 1 2023/24</b>	<b>Outcome</b>
1	Recep Turhan Jack the Chipper 96 Whitechapel High Street London E1 7RA	Appeal against decision of LSC to refuse premises licence for sale of alcohol and provision of late night refreshment.  Settled by consent on 26 <sup>th</sup> May 2023 following hearing. Licence granted with additional conditions and restriction on sales after 22:00 hours. No order as to costs.
	<b>Quarter 2 2023/24</b>	<b>Outcome</b>
1	Human Health Ltd. 56 Skylines Village London E14 9TS	Appeal against decision to refuse special treatment licence.  Appeal withdrawn on 11 <sup>th</sup> July 2023.
2	Hamlets Pizza Ltd. 479 Cambridge Heath Road London E2 9BU	Appeal against decision to refuse premises licence.  Appeal withdrawn on 25 <sup>th</sup> July 2023. Appellant to pay Council's costs of £1,725.00.
	<b>Quarter 3 2023/24</b>	<b>Outcome</b>
		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 four of 2022/23 and Quarters one to three of 2023/24.
- 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. All sums ordered to be paid on conviction are collected by HM Courts and Tribunals Service. Costs are then paid to the Council. Costs ordered in respect of appeals are payable between the parties.

## **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 (1<sup>st</sup> June 2023), the backlog of cases in the magistrates' courts, which had increased substantially during the coronavirus pandemic, had been reduced. There are now no appeals or prosecutions outstanding which had commenced during the pandemic.
- 5.3 Licensing appeals continue to be treated as a low priority by the court. Unlike prosecutions, which are commenced by us and in respect of which we have control over the first hearing date, we have no control over the listing of appeals. 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. These issues are taken up with the court as and when possible, but these are systemic issues within the court system and not isolated within the borough.

## **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. The enforcement policy makes clear the need to target enforcement action towards 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, Legal Services assess each individual case against each potential defendant against the test set out in the Code for Crown Prosecutors. These are an evidential test i.e. that the evidence is such that a bench of magistrates or a District Judge (or jury) is more likely than not to convict the offender, and the public interest test. Further, proceedings are kept under continuous review once instituted and are discontinued in the event that either or both tests cease to be met.

## **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 of the four licensing objectives under the 2003 Act is the prevention of crime and disorder. Enforcement promotes that 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

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