

LICENSING COMMITTEE

Tuesday, 9 December 2014 at 6.30 p.m.

The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

<u>Members:</u>	Ward Represented
Chair: Councillor Amy Whitelock Gibbs	Bethnal Green;
Vice-Chair: Councillor Peter Golds	Island Gardens;
Councillor Khaless Uddin Ahmed	Bromley North;
Councillor Rajib Ahmed	Lansbury;
Councillor Suluk Ahmed	Spitalfields & Banglatown;
Councillor Mahbub Alam	St Dunstan's;
Councillor Shah Alam	Mile End;
Councillor Amina Ali	Bow East;
Councillor Rachel Blake	Bow East;
Councillor Gulam Kibria Choudhury	Poplar;
Councillor Andrew Cregan	Island Gardens;
Councillor Mohammed Mufti Miah	Bromley North;
Councillor Muhammad Ansar Mustaqim	St Peter's;
Councillor Candida Ronald	Blackwall & Cubitt Town;
1 Vacancy	

[The quorum for this body is 3 Members]

Contact for further enquiries:

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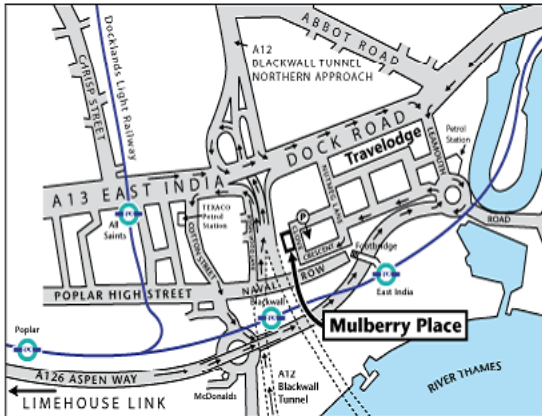
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		
	5 - 8	
To confirm the minutes of the meeting of the Licensing Committee held on 16 th October 2014 as an accurate record of the proceedings.		
3. ITEMS FOR CONSIDERATION		
3.1 Community Alcohol Partnership	9 - 16	Bethnal Green; St Peter's
4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

Next Meeting of the Licensing Committee

Tuesday, 10 March 2015 at 6.30 p.m. to be held in Committee Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 16 OCTOBER 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Rajib Ahmed
Councillor Suluk Ahmed
Councillor Shah Alam
Councillor Rachel Blake
Councillor Gulam Kibria Choudhury
Councillor Andrew Cregan
Councillor Peter Golds (Vice-Chair)
Councillor Muhammad Ansar Mustaquim
Councillor Candida Ronald

Other Councillors Present:

None

Officers Present:

Kirsty Panton – (Legal Services)
David Tolley – (Head of Consumer and Business Regulations
Service, Safer Communities, Communities
Localities & Culture)
Simmi Yesmin – (Democratic Services)

Apologies

Councillor Khales Uddin Ahmed –
Councillor Mahbub Alam –
Councillor Amina Ali
Councillor Mohammed Mufti Miah

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING(S)**RESOLVED**

That the minutes of the Licensing Committee meeting held on 15th July 2014 were confirmed and agreed as a correct record.

3. ITEMS FOR CONSIDERATION**3.1 Fees Review - London Local Authorities Act 1991 and the Performing Animals (Regulation) Act 1925**

Mr David Tolley, Head of Consumer and Business Regulations introduced the report which detailed the review which took place with regards to licence fees that could be set locally. It was noted that the fees under consideration were those for Massage, Special Treatments and Performing Animals Registration.

Mr Tolley explained the rationale behind the proposed licence fee increases and explained that fee increases were set at values that would enable the Council to recover the administrative and enforcement cost associated with the relevant licences.

In response to questions from Members the following was noted;

- That where a business operated a selection of beauty treatments and intense pulse light laser treatment, only the higher fee of the two would be payable.
- That neighbouring local authorities licence fees were taken into consideration when setting the fees.
- The breakdown of the hours worked by Officers in order to determine an application was noted.
- The detailed procedures that are followed through to ensure animal welfare were noted.
- That the provision for sun bed treatments was covered under Intense Pulse Light Laser treatment.

Members questioned the basis for using RPI to determine the increased fee. It was **AGREED** that Mr Tolley would update Members on what the rationale was for using RPI when setting the fees and seek clarification on whether this would be used again when setting fees in the future.

RESOLVED

1. That the fee for Massage and Special Treatment licences, including Intense Pulse Light laser treatment, be increased by RPI 2.5% raising Massage and Special Treatment Licences from £311 to £319 and Intense Pulse Light laser treatment licences (including sun beds) from £500 to £513.

2. That where a business operates a selection of beauty treatments and Intense Pulse Light laser treatment, that only the higher fee is payable.
3. That the fee for Performing Animals registration is raised from £188 to £360, based on the calculations in Appendix One.
4. That a fee for a Variation of a Performing Animals registration be set at £269 based on the calculations in Appendix One.
5. That all fees are non- refundable once an application has been submitted, due to the commencement of processing the licence.
6. That these fees will commence on 1 November 2014 and will apply to all new and renewed licences applications and all performing animal registrations and variation applications received on or after that date.

3.2 Cumulative Impact Zone Report

Mr David Tolley, Head of Consumer and Business Regulations introduced the report and explained that at the Licensing Committee on 15th July 2014, Members had requested for an update on the licences issued within the Cumulative Impact Zone (CIZ) to enable Members to consider the impact of the CIZ.

It was noted that on 1st November 2013, the CIZ for the Brick Lane area came into effect after the adoption of the Statement of Licensing Policy at Full Council. It was further noted that this Policy was subject to a review in 2018 (every 5 years). Mr Tolley gave a brief background on the CIZ, its consultation process, summary of all the decisions made by the Licensing Sub Committees with regards to applications and variations within the CIZ and highlighted the comments from Responsible Authorities on the current impact on the CIZ.

After much discussion the following points were noted;

- That there was a general confusion, amongst objectors/residents and Councillors, about the powers available to the Licensing Sub Committees, when applying the Special Cumulative Impact Policy to applications.
- That the Police were currently reviewing their Policy of objecting to all applications within the CIZ.
- That the Chair of SPIRE should be notified that Licensing Committees are public meetings and are open to all members of the public to attend and observe.
- That all Councillors be briefed on the CIZ, its impact and its remits in order to get a better understanding of the current Policy
- The benefits of having the CIZ were noted.
- That as a result of the CIZ, two applications for bars were withdrawn.

- That there has been the same level of licences issued despite the CIZ being in place.
- That as a result of the CIZ a lot more conditions had been imposed on licences, providing more control over licensed premises.
- That a standard wording on the CIZ should be included as part of the decision notification.
- That the increase in licensed premises was contributing to the increase in crime and disorder and public nuisance in the area.
- That the Council may have to review the Special Cumulative Impact Policy sooner than the 5 years due to the impact of Crossrail coming to effect from 2017 and therefore possibly look to extend the CIZ to include the Crossrail area.

Members welcomed the report and **AGREED** the following;

- That a further report on the CIZ be brought back to the Licensing Committee on 10 March 2015.
- That the Licensing Committee is to review the Policy again in 2015/2016 and invite the Head of Retail for Crossrail to attend the meeting.
- That the Police be invited to attend the next meeting to update Members on their approach to objecting to all applications in the CIZ.
- Legal Officers to provide a standard wording for applications within the CIZ to be used when decisions are read out at meetings.
- Inform the Chair of SPIRE that Full Licensing Committee meetings are public meetings and are open to all members of the public to attend.

ACTION BY: David Tolley, Head of Consumer and Business Regulations
Kirsty Panton, Legal Services
Simmi Yesmin, Democratic Services

RESOLVED

That subject to the above comments the report be noted.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Members requested that a briefing and Members Training on Sexual Entertainment Venues is to be scheduled for the next Licensing Committee meeting in December 2014, In order for Members to get a better understanding of the Policy, its remits and the challenges likely to be faced.

The meeting ended at 7.40 p.m.

Chair, Councillor Amy Whitelock Gibbs
Licensing Committee

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee	9th December 2014	Unclassified		

Report of Consumer and Business Regulations Originating Officer: David Tolley – Head of Consumer and Business Regulations	Title Licensing Act 2003 – Community Alcohol Partnership Wards affected: Bethnal Green and St Peters Wards
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1 SUMMARY

- 1.1 At the Licensing Committee on the 15th July 2014, it was requested that an update was provided on the progress of the Community Alcohol Partnership initiative.

2. RECOMMENDATIONS

- 2.1 To note the activity that has been undertaken by the Community Alcohol Partnership.
- 2.2 To make recommendations on the further development of the Partnership.

3. BACKGROUND

- 3.1 A Community Alcohol Partnership (CAP) was formed in April 2014, with the objective to develop a culture where both adults and young people drink responsibly and to educate retailers within the Bethnal Green and St Peters wards on their responsibilities not sell alcohol to anyone under the age of 18.
- 3.2 Anti-social behaviour (ASB) was identified as being a problem within the CAP area, having the second highest ASB and ambulance calls for alcohol related incidents in Tower Hamlets. There were 41 off-licences in the Wards and specific problems had been identified with underage drinking, street drinking and a general lack of retailer awareness around underage sales.
- 3.3 The multiple effects of underage and irresponsible alcohol consumption in the community meant that the CAP would need to engage with several partners. Activity under the CAP is intended to complement the existing work of retailers

and enforcement agencies, without increasing resources in the long term. The partnership approach recognises that enforcement can only partly achieve the shift in culture required. It was identified that there is a need for all relevant organisations and agencies to work together, alongside the local community.

- 3.4 CAP consists of a number of agencies: Community Alcohol Partnerships Community Interest Company, Retail of Alcohol Standards Group - retailers Tesco & Sainsbury, Public Health, Trading Standards, Police Licensing, Community Safety, DAAT, Youth Service, Youth Offending Team, Communications Team, Bart's Health, Street Pastors, Life Line, Tower Hamlets Homes, Tower Hamlets Community Housing and Gateway Housing
- 3.5 The Community Alcohol Partnership (CAP) has a number of objectives to tackle underage drinking,
 - a. Reduce incidents of alcohol sales to young people under the age of 18
 - b. Reduce youth-related anti-social behaviour associated with alcohol consumption
 - c. Improve the health of young people so they are aware of the consequences and risks associated with drinking alcohol
 - d. Reduce incidents of Street Drinking
 - e. Develop a responsible retailing ethos and effective partnership approach in the CAP area which embraces Challenge 25 and acceptance of proof of age standard scheme (PASS)
 - f. Improve public perception on alcohol related issues
- 3.6 A survey of 820 young people revealed 12.3% of young people have tried an alcoholic beverage. 74% of these young people were only 13 years old or younger at the time of their first alcoholic drink. 33% claimed to be obtaining their alcohol drink from their parents and 18% from off-licences. There were a small percentage of students who did drink before attending school and/ or during school time and/ or straight after school.
- 3.7 Activity within the CAP
 - a. Licensing Officers visited off-licences and encouraged businesses to sign up to the 'Reducing the Strength Scheme'. A scheme where retailers are encouraged to voluntarily sign up to the scheme to remove all super strength beers, cider and lagers that are above 6.5% or more ABV from their shelves to reduce street drinking.
 - b. Trading Standard Officers visited off-licences and encouraged businesses to sign up to a 'Responsible Retailers Scheme' focusing on underage sales, proxy sales and promoting Challenge 25. A programme that provides education and training to make retailers aware of their responsibilities in avoiding illegal sales and support them in upholding the law.

- c. Underage test purchases were conducted by Trading Standard Officers and the Metropolitan Police.
 - d. Sainsbury's provided training to off-licences around underage sales.
 - e. The Healthy Lives Team provided drug and alcohol education programme in secondary schools in the CAP area.
 - f. A Youth Employment Project was created to support young people to complete a qualification of employability and obtain work experience from Sainsbury's.
 - g. Deployment of the Rapid Response Team in two identified hotspot areas within the CAP.
 - h. Tower Hamlets Enforcement Officers patrolling hotspot areas.
 - i. Joint enforcement and advisory visits with Police, Trading Standard, Licensing and Housing Association staff targeting high risk ASB housing estates and off-licences.
 - j. Trading Standards instigated a panel to engage with traders who have failed test purchase. The idea to warn and educate traders on their retail responsibilities.
- 3.8 The CAP methodology is based on a number of elements namely; education, enforcement, diversionary activities and public perception.

Education

- 3.9 Education is a key element to raising awareness about the law relating to young people and alcohol, the impact of underage alcohol consumption on health and society. CAP focuses on educating retailers/licensees, young people and adults.
- a. All 5 secondary schools in the CAP area have started engaging with the Healthy Lives Team. Drug education is currently taking place at Oakland's, Morpeth, Swanlea Secondary Schools. Alcohol education is intended to be arranged in the New Year.
 - b. 6 licenced premises were trained by Sainsbury's 'high standards' training team on underage sale and challenge 25.
 - c. 4 alcohol awareness sessions have been organised for November run at the Youth Centres
 - d. 500 Drinkaware booklets 'Parenting Campaign' were distributed to housing associations, secondary schools and youth and drug services. This campaign raises awareness to parents about alcohol and their children.

- e. Targeting young people who have anti-social behaviour issues and are not in school or education, so far 4 young people completed a certificate for Level 1 for Employability by City and Guides through the Youth Employment Project.

Enforcement

- 3.10 An essential part of CAP is enforcement of the laws relating to young people and alcohol including purchasing of alcohol by under 18s, sales to under 18s, and drinking by under 18s in public places. Our work has involved the following:
- a. Through a joint working exercise, a particular off-licence located close to a secondary school was visited after intelligence of underage sales was obtained. As a result, counterfeit alcohol was found and seized on the premises and several conditions were breached on the licence. A prosecution is currently underway. Young residents from the estates causing Anti-social Behaviour (ASB) were also visited by the police and housing association staff and warned further issues could lead to eviction.
 - b. A particular hotspot was identified of high ASB- underage sales, sales to street drinkers and drug dealings. Through a joint working exercise with Police and Licensing, the particular licensee was called in for a formal warning. Conditions on his license were changed to ensure they enforced Challenge 25 and no sales to street drinkers were permitted. THEOS were deployed in the area for 5 weeks to deter further ASB issues.
 - c. With an increase to promotional and advisory visits to licensed premises, there has been a decrease compared to last year on test purchases. 20% failed tested purchased to 15% failed test purchases recently.
 - d. Based on failed test purchase as first offences, the Trading Standard Review Panel for age restricted products was created to discuss with licensees the incident and how to avoid future reoccurrence of the offence. 10 premises were reviewed this summer and all signed up to comply with Responsible Retailers Scheme.
 - e. After a review panel, 1 premises failed to prevent a sale of an age restricted product a second time and a currently a prosecution is in progress.
 - f. THEOS were tasked to reduce ASB such as street drinking around Frank Dobson Square which was classified as one of the main hotspot areas. Injunctions were obtained against the repeat offenders, through these injunctions and regular patrols. ASB has reduced in this area.

- g. Two Tower Hamlets Enforcement Officers have been deployed to enforce and advise young people found loitering around all the hotspot areas twice a week.
- h. Premises were reminded not to sell alcohol to someone who is already drunk.
- i. Through routine enforcement visits to problematic premises and there are 5 cases considered for prosecution, 12 premises still under investigation and 8 formal written warning was served.

Diversionsary Activities

- 3.11 CAP focuses on creating a range of activities for young people to engage in that do not involve alcohol. Activities that young people can enjoy have fun and learn to deter them away from drinking alcohol. CAP has been involved in the following activities namely:
 - a. Summer Nights Light project was launched summer 2014 to reduce anti-social behaviour by creating diversionary activities for young people. This also helped unite the community and building positive relationships with local services. Positive feedback provided by local residents, being it was a unique event operating in the evenings to create a diversionary activity to reduce ASB issues.
 - b. Four young people with ASB issues successfully completed a certificate in Employability and 2 weeks of work experience at Sainsbury supermarket in Whitechapel.
 - c. The Rapid Response Team deployed 2 mobile units to Collingwood and Ravenscroft estate, supporting 50 young people of mix backgrounds with youth on youth conflict. Out of the 50, 48% of young people have been involved in one or more social education workshops regarding drugs and alcohol, cooking, crime and ASB workshops to divert them away from ASB issues on and around the estate.

Public Perception

- 3.12 Public perception is a key element in making a CAP area successful and the above work has demonstrated to local residents that enforcement and engagement activities have taken place in the CAP area.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no specific financial implications emanating from this report which provides an update on the Community Alcohol Partnership initiative.

5 LEGAL COMMENTS

5.1 This is a non-statutory scheme. The Council is required to:

- (1) Exercise their function with due regard to the need to reduce crime and disorder in its area (section 17 Crime and Disorder Act 1998);
- (2) Promote and improve the health of people in their area, provide advice and tackle health inequalities (section 12 Health & Social Care Act 2012).

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 No adverse impacts have been identified

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

7.1 There are no adverse impacts identified.

8. RISK MANAGEMENT IMPLICATIONS

8.1 The Council will be at risk of legal challenge if its decision making process on amending licence conditions in relation to 'reducing the strength scheme' is not transparent and evidentially based.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The CAP supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

10. EFFICIENCY STATEMENT

10.1 There are no efficiency elements to this report.

11. APPENDICES

None

LOCAL GOVERNMENT ACT, 1972 Section 100D (as amended)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

None

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