

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 21 MARCH 2017

THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds (Vice-Chair)
Councillor Suluk Ahmed
Councillor Amina Ali
Councillor Md. Maium Miah

Apologies:

Councillor Dave Chesterton
Councillor Sirajul Islam
Councillor Denise Jones
Councillor Harun Miah
Councillor Candida Ronald

Officers Present:

David Tolley (Head of Environmental Health and Trading Standards)
Paul Greeno (Senior Corporate and Governance Lawyer, Legal Services)
Gurwinder Kaur Olive (Senior Lawyer, Legal Services)
Antoinette Duhaney (Interim Senior Committee Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. MINUTES OF PREVIOUS MEETING(S)

The minutes of the previous meeting held on 13 December 2016 were agreed as a correct record.

3. ITEMS FOR CONSIDERATION

3.1 Revised Licensing Code of Conduct

The report was introduced by Paul Greeno, Senior Corporate and Governance Lawyer. Mr Greeno advised that the Licensing Code of Conduct was part of the Council's ethical framework and supplemented the Code of Conduct for Councillors. The revised Licensing Code of Conduct would support Members to make fair and open decisions and preserve the integrity of the decision making process. The Code of Conduct had been revised to reflect legislative changes, improve consistency, provide more detailed explanations and flag up areas where Members' behaviour would change as a result of the revised Code of Conduct.

In response to questions and comments from Members during the course of a general debate, Mr Greeno stated that

- Hearsay evidence was admissible but it was for Members to consider how much weight should be given to such evidence. However further guidance/clarification could be provided.
- The Members training programme had mandatory and interest lead elements and 2 separate sessions would be held in May 2017 focussing on member learning and development to ensure that identified training needs were met appropriately.
- Efforts were being made to streamline the process for determining licensing applications from Sex Entertainment Venues (SEVs) so that only applications that had received representations were considered by Members.
- It was for the Licensing Team to consider the validity of representations and decide whether or not representations were made on the basis of Licensing. However in borderline cases, the Home Office Guidance recommended that the benefit of the doubt should be given to the interested party making the representation
- Any concerns or complaints regarding the conduct of Members should be referred to the Monitoring Officer for investigation.

The Committee discussed the process for determining SEV applications and particular concerns were raised about the reluctance of some Members to attend meetings when SEV applications were considered because of the attitude/reaction of some Councillors and the local community who were opposed to SEVs on moral and/or religious grounds. Members also argued that in the past, Councillors who had been involved in determining SEV applications had been heckled by other Members and had also been verbally abused by members of the local community. Other family relatives had also

been targeted.

In response officers stated that

- Even if Members had opposing view, they should behave respectfully at all times and this was flagged up in the Code of Conduct.
- Although the determination of SEV applications was a complex process, it was reiterated that procedural changes were being considered which would allow officers to determine SEV applications under delegated authority in cases where no representations had been made. This practice had already been adopted by other Licensing Authorities.
- In the past, press releases had been prepared to explain the Council's role and responsibilities in determining SEV applications. However because of the complexity of the process, there were particular challenges to explaining the process in a simple way.
- As a public figure, Councillors should expect a level of criticism. However, when making tough decisions, Members should not be subjected to harassment, intimidation or threats

RESOLVED – That the revised Licensing Code of Conduct be noted.

3.2 Review of Environmental Health Licence Fees/Registrations

The report was introduced by Dave Tolley, Head of Trading Standards and Environmental Health who advised that the report proposed increases in fees and charges in accordance with the annual review of fees by Cabinet. Members were reminded that fees should not exceed the cost of administering the Licensing Process.

RESOLVED -

1. That the fee for Massage and Special Treatment licences, including Intense Pulse Light laser treatment, be increased by 2% thus increasing Massage and Special Treatment Licences from £322 to £328.40 and Intense Pulse Light laser treatment licences from £518 to £528.40.
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 be increased by 2% from £364 to £371.30.
4. That the fee for a Variation of a Performing Animals registration be increased by 2% from £272.00 to £277.50.

5. That the fee for a Dangerous Wild Animal Licence be increased by 2% from £472.34 to £481.70.
6. That the fee for a Pet Shop Licence be increased by 2% from £220.82 to £225.20.
7. That the fee for a Riding School Licence be increased by 2% from £235.31 to £240.
8. That the fee for an Animal Boarding Licence be increased by 2% from £363 to £370.30.
9. That all fees are non- refundable once an application has been submitted, due to the commencement of processing the licence.
10. That these fees will commence on 5th April 2017 and will apply to all new and renewed licences applications and all performing animal registrations and variation applications received on or after that date.

3.3 Update in Relation to Prosecutions and Appeals - Quarters 2 & 3 2016/2017

The report was introduced by Gurwinder Kaur Olive, Senior Lawyer who advised that the report provided details of completed licensing related prosecutions and appeals for the second and third Quarter of 2016/2017.

RESOLVED – That the report be noted.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil.

The meeting ended at 8.06 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee