

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 15 MARCH 2022

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

Members Present:

Councillor Shah Ameen (Chair)

Councillor Peter Golds
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Zenith Rahman

Councillors Present Virtually:

Councillor Eve McQuillan
Councillor Ayas Miah
Councillor Shad Choudhury
Councillor Dan Tomlinson
Councillor Krysten Perry

Apologies

Councillor Rajib Ahmed
Councillor Amina Ali
Councillor Kevin Brady
Councillor Mohammed Ahabab Hossain

Officers Present:

Tom Lewis	– (Team Leader - Licensing Services)
Jonathan Melnick	– (Principal Lawyer-Enforcement)
David Tolley	– (Head of Environmental Health and Trading Standards)
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Committee meetings held on 9th September and 11th October 2021 were agreed as a correct record of proceedings.

3. ITEMS FOR CONSIDERATION

3.1 Night Time Economy visits and Enforcement Update

Mr Tom Lewis, Team Leader – Licensing, introduced the report which detailed the review for the late-night inspections to licensed premises undertaken by the Environmental Health and Trading Standards Service. It was noted that the operation was run fortnightly on Friday and Saturday evenings between the hours of either 21:00 and 02:00 hours or 22:00 and 03:00 hours depending on service need.

These late night visits investigated a variety of alleged issues relating to licensed premises, such as:-

- Premises undertaking licensable activities without a licence.
- Premises alleged to be breaching with conditions and restrictions detailed in their licence.
- Licensed premises that have failed to pay the annual licence fee and/or late night levy charge and have had their licence suspended yet have been identified as continuing to carrying out licensable activities.
- Premises alleged to undermining the one or more of the licensing objectives.

It was also noted that whilst the Coronavirus Business Restrictions were in place these operations were used to check business compliance with these restrictions too. It was important to note that due to the ongoing coronavirus pandemic these visits were on hold at the beginning of 2020, these late-night visits were suspended during the initial national restrictions (lockdown) period between end of March and end of June 2020. These visits resumed following the restrictions being lifted on 4th July 2020 but ceased again by the end of October due to the November Lockdown coming into force. Visits then did not resume until the Summer of 2021 because of the Tier Restrictions and National Lockdown that began in December 2020 until the start of the Summer 2021. It was confirmed that officers were now back to completing these visits on a fortnightly basis.

Mr Lewis briefly detailed the enforcement visits undertaken in 2020/21 and April 2021 to date (end of January 2022) and the achievements of these visits. It was explained that where non-compliance was witnessed and a breach of the Licensing Act 2003 is established, appropriate and proportionate action is taken in line with the Council's Enforcement Policy.

Mr Lewis then referred The Committee to Appendix 5 of the report, which detailed the number of prosecutions and outcomes during 2020/21 as a result of the late-night inspections. It was also noted that as a result of these visits 6 FPNs were served on Licensed Premises. Five for Offences under the All

Tiers Coronavirus Business Restrictions and one for offences under the Step 2 Coronavirus Business Restrictions.

In response to questions the following was noted;

- That fines for non-compliance were set by central government and any formal action would require a graduated approach and the type of action would usually depend on such matters as compliance history of the premises, attitude of Licensee, extent and seriousness of the breach.
- Where persistent non-compliance is witnessed and a breach of the Licensing Act 2003 is established, Responsible Authorities can seek to review the premises licence.

The Committee welcomed the report.

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

1. The report be noted.

3.2 Prosecutions and Appeals report

Mr Jonathan Melnick, Principal Lawyer – Enforcement, briefly introduced the report which detailed the completed licensing related prosecutions and appeals for 2021. It was noted that the London Borough of Tower Hamlets was a Licensing Authority and amongst its functions are requirements to monitor compliance with the licences that it grants, take action against unlicensed premises, and those that breach conditions of licences that have been granted and will be the respondent to any appeal against a decision of the Licensing Committee or Licensing Sub Committee.

Mr Melnick explained that there was a policy on how enforcement action should be taken and when prosecuting, officers followed the code for prosecutors that the Crown Prosecution Services themselves followed, as well as this the Council had its own enforcement policy and when offices submit cases Legal Officers exercise independent judgement as to who gets prosecuted and with what offence. It was noted that it was not always possible to prosecute every single person for every single possible fence, but mainly to ensure compliance with the law and have a consistent approach.

It was noted that the report does not only deal with the Licensing Act 2003 matters but also those under the Gambling Act 2005 and Special Treatment Licences granted under the London Local Authorities Act 1991.

The number of prosecutions and appeals over the quarters was noted with a total of 8 prosecutions and 8 appeals. It was highlighted that the coronavirus pandemic was still impacting on the courts with limited allocation of court time given to hear prosecutions and appeals with decisions being on hold for a long period.

In response to questions the following was noted;

- That the Future Leisure Ltd was a Gambling Act appeal and therefore the impact of the Cumulative Impact Zone had no relevance to that.
- That a pragmatic decision is made whether to chase for costs where cases are dismissed as they are usually minimal.
- That due to the pandemic, the average cost awarded against the Council has been slightly muddled up. As usually cost orders against the authority are generally relatively rare, however on this occasion, the appeal for Future Leisure Ltd was a an unusual one.
- That when considering the application for Future Leisure Ltd, the Sub Committee were of the view that it would be incredibly harmful to have this licence granted as it was located in close proximity to four hostels and the police were very worried of the impact on vulnerable people and the impact on crime and anti-social behaviour in the area.

Members welcomed the report.

RESOLVED

That the report be noted.

The Chair extended his thanks to officers and members of the Licensing Committee for their contributions and support over the last municipal year.

The meeting ended at 7.05 p.m.

Chair, Councillor Shah Ameen
Licensing Committee