

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 5.35 P.M. ON TUESDAY, 14 JUNE 2016

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Khaled Uddin Ahmed
Councillor Mahbub Alam
Councillor Shah Alam
Councillor Peter Golds
Councillor Dave Chesterton
Councillor Suluk Ahmed
Councillor Denise Jones
Councillor Candida Ronald

Other Councillors Present:

None

Apologies

Councillor Amina Ali
Councillor Amy Whitelock Gibbs
Councillor Harun Miah
Councillor Md. Maium Miah
Councillor Joshua Peck

Officers Present:

David Tolley	– (Head of Environmental Health and Trading Standards, Safer Communities, Communities Localities & Culture)
Tom Lewis	– (Team Leader - Licensing Services)
Paul Greeno	– (Senior Corporate and Governance Lawyer, Legal Services)
Agnes Adrien	– (Team Leader, Enforcement & Litigation, Legal Services, Chief Executive's)
Antonella Burgio	– (Democratic Services)

INTRODUCTIONS

The Chair welcomed new and returning members to the meeting and invited all present to introduce themselves.

1. TO APPOINT A VICE-CHAIR FOR THE MUNICIPAL YEAR

Councillor Khaled Ahmed nominated and Councillor Dave Chesterton seconded that Councillor Peter Golds be appointed Vice-chair of the Licensing Committee for the duration of the municipal year. There being no other nominations it was unanimously

RESOLVED

That Councillor Peter Golds be appointed Vice-chair of Licensing Committee for the duration of the municipal year.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

3. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the Licensing Committee held on 8 March 2016 be approved a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Committee, Terms of Reference, Membership, and Quorum

The Clerk introduced the report which set out the terms of reference, membership, quorum of the Licensing Committee and the scheduled dates of meetings for the municipal year 2016/17.

The Committee noted that following the Annual Council meeting, Councillor Amy Whitelock Gibbs had stood down from the Committee and had been replaced by Councillor Sirajul Islam via a proper officer appointment in accordance with the Council's constitution.

RESOLVED

1. That the Licensing Committee: terms of reference, membership and quorum as set out in appendices one and two be noted.
2. That the change of membership as reported at the meeting be noted.

4.2 Establishment of Licensing Sub Committees, Terms of Reference & Schedule of Dates

The Clerk introduced the report which asked the Committee to establish its Licensing Sub-Committees in accordance with paragraph 3.4 of the report and agree that these will determine applications under the Licensing Act 2003 and Gambling Act 2005 which have been contested.

The report also asked Members to note the terms of reference of the subcommittees, schedule of dates and rules of procedure as circulated at appendices one, two and three of the report.

RESOLVED

1. That the contents of the report be noted
2. That licensing subcommittees be established as set out in paragraph 3.4 of the report to determine applications under the licensing act 2003 and gambling act 2005 were representations have been made.
3. That the licensing subcommittees terms of reference, schedule of dates and rules of procedure as attached at appendices one, two and three be noted.

4.3 Proposed Rules of Procedure Governing Applications for Premises Licences and other permissions under the Licensing Act 2003 and Rules of Procedure Governing Applications for Sex Establishment Licences

Paul Greeno, Senior Corporate and Governance Lawyer, introduced the report informing Members that the Council's Constitution was currently being reviewed and as part of that review, the codes of conduct were also being considered. As part of this activity the rules of procedure for determinations discharged by the Licensing Committee and its Sub-Committees have also been reviewed and streamlined. The revised procedural rules were appended to the report and presented for consideration.

RESOLVED

1. That it be noted that there has been prepared a revised Licensing Code of Conduct and that this revised code of conduct incorporates rules of procedure governing applications for premises licences and other premises under the Licensing Act 2003 and Gambling Act 2005; and rules of procedure governing applications for sex establishment licenses under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
2. That it be noted that pursuant to Paragraph 1, Part One, Paragraph 4.02 of the Constitution, the adoption and amendment of the revised Licensing Code of conduct is a matter for Council.

3. That it be noted that in advance for Council adopting the revised Code of Conduct, that Licensing Committee can adopt its own rules of procedure
4. That the rules of procedure governing applications for premises licensing and other permissions under the Licensing Act 2003 and Gambling Act 2005 as set out in appendix 1 be adopted.
5. That the rules of procedure governing applications for sex establishment licenses under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended, as set out at appendix 2 to the report be adopted.

4.4 Proposed Revised Licensing Code of Conduct

Paul Greeno, Senior Corporate and Governance Lawyer, introduced the report which informed Members that, under the terms of the Local Government Act 2000 the Council was required to have a constitution and ensure that this was kept up-to-date. As part of this process a number of reviews of protocols, including the Licensing Code of Conduct had been undertaken. He asked Members to consider the draft revised code of conduct appended to the report which had been updated to better assist Councillors and aid understanding by bringing the code up to date and providing better consistency in terms of content style and structure.

RESOLVED

1. That the proposed revised Licensing Code of Conduct, as circulated at Appendix 1 of the report, be noted.
2. That it be noted that, as a member code of conduct, then pursuant to the terms of reference to the Standards (Advisory) Committee, that the revised Licensing Code of conduct will have to be considered by Committee so that it can advise Council on the adoption or revision of the code.
3. That it be noted that the draft revised Code will also go to General Purposes committee for consideration.
4. That it be noted that, pursuant to Part One, Paragraph 4.02 of the Constitution, the adoption and amendment of the proposed revised Licensing Code of Conduct is a matter for Council
5. That Members' general comments on the proposed revised code be made directly to Paul Greeno, Senior Corporate and Governance Lawyer so that they may be reflected in the document to be considered by Standards (Advisory) Committee and General Purposes Committee and then by Council.

4.5 Update in relation to Prosecutions and Appeals- Quarter 4 2015/2016

Agnes Adrien, Team Leader, Enforcement and Litigation, introduced the report which provided a quarterly update on enforcement activity. The Committee heard that no prosecutions had been issued in the period and three appeals, (two against decisions of the Licensing Sub-committees and one against a decision of the Licensing Committee respectively) had been concluded. Councillor Golds, commented that, where appeals were settled by consent or allowed, it would be appropriate that these decisions should then go back to Elected Members.

RESOLVED

That the outcomes in relation to prosecutions and appeals in the quarter 4 2015/16 be noted.

4.6 London Local Authorities Act 1991 - Application to increase licence fee for the London Tattoo Convention 2016

Tom Lewis, Team Leader Licensing And Safety Team introduced the report which asked the committee to approve the suggested fee for a massage and special treatment licence for the 2016 London Tattoo convention. The fee had been increased by 0.2% from the previous year to ensure that costs incurred by the Council in regard to administration and enforcement throughout the event could be recovered.

A Member of the Committee noted that the matter was considered annually but there was no means by which the applicant could address Members. He suggested that in the future the applicant should be permitted to make representations before the Committee before the fee is set and asked officers to investigate this.

RESOLVED

That the application fee for a massage and treatment licence for the 2016 London Tattoo Convention be set at £2872.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT*Cumulative Impact Zone (CIZ)*

Councillor Chesterton enquired about a proposal to review the CIZ. Dave Tolley, Head of Environmental Health and Trading Standards informed the Committee that, at the annual Licensing training for Members, Counsel had recommended that the advice to members concerning CIZ should be reviewed, the current CIZ policy was not due for review until the next review of the Licensing Policy in 2018; the CIZ review would form part of the policy review at that time. Agnes Adrien, Team Leader Enforcement and Litigation agreed that she would follow up the advice given to Members at the training session and report back to members.

Touting

The Chair requested that a meeting to discuss possible courses of action with regards to touting in Brick Lane be arranged and that an invitation be extended to the Cabinet Members with responsibility for community safety and economic growth to discuss the impacts of touting on Brick Lane businesses. It was agreed that a meeting date be arranged and invitations issued.

Next Meeting

The Chair noted that the Committee would meet next on 13 September 2016

The meeting ended at 6.15 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee