

LICENSING COMMITTEE
19:00 TUESDAY, 31ST OCTOBER 2017
ROOM 102, HACKNEY TOWN HALL, MARE STREET, E8 1EA

- Present:** Councillor Emma Plouviez in the Chair
- Cllr Brian Bell (Vice-Chair), Cllr Barry Buitekant,
Cllr Christopher Kennedy, Cllr Margaret Gordon,
Cllr Peter Snell and Cllr Caroline Selman
- Officers:** Robert Gardner, Enforcement and Business
Regulation Manager
Ashraf Haque, Principal Environmental Protection
Officer
Gerry McCarthy, Head of Community Safety,
Enforcement and Business Regulations
Butta Singh, Senior Solicitor for Licensing
Christine Stephenson, Planning, Licensing and
Corporate Lawyer
Gareth Sykes, Governance Services Officer
David Tuitt, Team Leader – Licensing Policy and
Operations
- Apologies:** Cllr Sophie Cameron, Cllr Sharon Patrick and
Cllr Ian Rathbone

1 Apologies for Absence

- 1.1 Apologies for absence were received prior to the meeting from Councillors Patrick, Cameron and Rathbone.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interest.

3 Minutes of the Previous Meeting

- 3.1 **RESOLVED** that the minutes of the previous meeting held on 21 June 2017 be AGREED.
- 3.2 The committee noted that the membership of Licensing Sub-Committees A to B, as outlined in paragraph 3.2 of the June meeting minutes, had now changed. Councillor Cameron had stepped down from Licensing Sub-Committee A and Councillors Sophie Conway and Patrick Moule had now joined the Licensing Sub Committees.

4 Licensing Service - Annual Report

- 4.1 David Tuitt, Licensing Team Leader, Policy and Operations, introduced the report, as set out in the agenda. David Tuitt highlighted to committee members the salient points of the report including; the numbers for Premises licences granted had seen a slight decrease. Variations of existing premises licences/certificates had seen an increase in 2016/17. Meanwhile, the overall number of Temporary Event Notices (TENs) had increased from the previous year and for the first time the Licensing Sub-Committees had sat for less than 50 occasions in 2016/17.

- 4.2 In response to a question from Councillor Snell about the 66 percent drop in daytime inspections of premises, as a result of enforcement staff numbers, David Tuitt explained that the team were currently in a transitional period, the Licensing Team were confident though that over time the team would be able to address the drop in daytime inspections. It was unfortunate circumstances at the time, but given time it was hoped the figures would improve.
- 4.3 In response to a question from the chair on formal actions, it was confirmed that those figures did not include activities undertaken by the Police.
- 4.4 Councillor Snell raised concerns about the decrease in the use of closure notices; the 2016/17 financial year had seen a 100 percent drop. The licensing sub-committees believed that they had been effective in the past.
- 4.5 In a response to question from Councillor Bell on the difference between daytime and night time inspections and visits, it was explained that visits were recorded as the number of occasions an officer went to a premises. Inspections meanwhile were the number of occasions the officer entered into the premises and made a detailed and thorough examination.
- 4.6 In a response to a question from Councillor Buitekant, it was explained that a householder would need a licence for scaffolding if the structure was deemed to be on or overhanging a public highway. If this was the case a scaffolding license must be clearly displayed.
- 4.7 In a response to a question from Councillors, it was confirmed that a temporary crossover licence was a licence for a dropped kerb. This would allow vehicles to enter and exit a premises.
- 4.8 In a response to a question from Councillor Bell, it was confirmed that the new Community Safety, Enforcement and Business Regulation Service currently employed over 100 officers. There was currently a number of vacancies. These staff were trained under arrangements different from what had gone before. Previous training was no longer part of the process. Six and half officers in the daytime inspection team possessed specific knowledge. The processing team were also still separate from the technical team, which was in line with current Home Office guidance.
- 4.9 In response to a question from Councillor Kennedy on halting the late submission of TENs, the Police and Hackney Council's Environmental Protection team, do have the option to object to the TEN. It was recognised, however, that although this ability was a deterrent, the Responsible Authorities did not believe it was appropriate to object to them on most occasions. Committee members suggested whether over time if more late TENs were refused the fewer would be submitted. It was re-iterated that there is a simple option to refuse the late TEN if need be.

RESOLVED The Licensing Committee noted the Licensing Service's Annual Report.

5 Draft Statement of Licensing Policy

- 5.1 A slightly revised draft of the statement of the licensing policy was tabled at the meeting with some tracked changes. The chair explained that this latest draft clarified further certain sections of the policy compared to the previous draft e.g. Licensing Policy 10, concerning the Special Policy Areas – Dalston and Shoreditch and the addition of a caveat to Licensing Policy 3, with regards to Core Hours. The cross-referencing in the latest draft would ensure overall consistency in the policy.

- 5.2 In response to a question from Councillor Snell, it was confirmed that the scope was now more joined up with the scope to include the extension of Shoreditch in addition to 'Exceptional Circumstances' now being removed along with the table of hours and activities relating to Dalston. It was felt that the table was overly complicated. Committee members noted that if LP10 was rebutted then LP3 would then take effect.
- 5.3 The chair added that there a view that the current licensing policy relating to Dalston was seen to be encouraging restaurants, etc in the area to open, which had impacted on those existing businesses in the area. It was hoped with these revisions that would now change.
- 5.4 In the latest draft, under Licensing Policy 3, core hours were likely to be more restrictive. This would be dependent though on the character of the area and if the individual circumstances require it.
- 5.5 In the latest draft, Licensing Policy 1, General Principles, the chair explained that the emphasis was now more on the applicant taking the initiative. The applicant, for example, had to demonstrate an understanding of the nature of the locality in which their premises are located and that this should had been taken into consideration whilst preparing the operating schedule
- 5.6 In response to a question from Councillor Kennedy, it was confirmed that the draft licensing policy had not gone through counsel. A view was taken that before the revised policy was produced the current policy had been subject to a large amount of pre-consultation and discussion as such the licensing policy was now more basic in its approach.
- 5.7 Committee members noted that Appendix 2 had not been included in the latest draft of the licensing policy. Members were reassured that it would be included as part of the papers for the subsequent consultation process.

RESOLVED The Licensing Committee noted the draft Policy and agreed to it being published for consultation.

6 Any Other Business

- 6.1 Councillor Kennedy brought to the attention of the committee the latest government announcement that it was looking to cut the maximum bet on Fixed-Odds Betting Terminals (FOTBs) from £100 to between £2 and £50. A 12 week consultation period was currently underway which was due to finish in late January.
- 6.2 The committee supported the work of the Campaign for Fairer Gambling in this area. Committee members recommended, in response to this consultation, that it re-submit previous evidence as part of this latest process.
- 6.3 The licensing team added that anecdotal evidence appeared to show that betting licences were not being renewed in areas where there was low footfall. Members noted that a number of factors appeared to contribute to this trend, one of the most prominent of these being the rise in the popularity of online gambling.
- 6.4 As the statistics had shown in the licensing annual report earlier in the meeting, the number of betting licences had fallen, which was consistent with recent years. Changes in planning policy had also contributed to this trend with the less clustering of betting shops.

Duration of the meeting: 19:10 hours – 20:00 Hours

Councillor Emma Plouviez, Chair at the meeting on
Tuesday, 31 October 2017

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