



LICENSING COMMITTEE

Wednesday, 18th September, 2019

at 7.00 pm

Council Chamber, Hackney Town Hall, Mare
Street, London E8 1EA

Membership

Cllr M Can Ozsen, Cllr Sophie Cameron, Cllr Emma Plouviez (Chair), Cllr Brian Bell (Vice-Chair), Cllr Gilbert Smyth, Cllr Sharon Patrick, Cllr Margaret Gordon, Cllr James Peters, Cllr Caroline Selman, Cllr Ian Rathbone, Cllr Sophie Conway, Cllr Sem Moema, Cllr Peter Snell, Cllr Harvey Odze and Cllr Penny Wrout

TIM SHIELDS
Chief Executive

Contact:
Gareth Sykes, Governance Services Officer
Tel: 020 8356 1567
Email: gareth.sykes@hackney.gov.uk

The press and public are welcome to attend this meeting

ACCESS AND INFORMATION

Hackney Council website: www.hackney.gov.uk

The Council and Democracy section of the Hackney Council website contains full details about the democratic process at Hackney, including:

- Councillor contact details
- Agendas, reports and minutes from council meetings
- The council's constitution
- Overview and Scrutiny information
- Details and links to area forums and local consultations

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

AGENDA

Wednesday, 18th September, 2019

ORDER OF BUSINESS

Item No		Page No
1	Apologies for Absence	
2	Declarations of Interest - Members to declare as appropriate	
3	Minutes of the Previous Meeting	1 - 6
4	Late night levy update	7 - 16
5	Licensing Sub-Committee Procedures	17 - 28
6	Any Other Business	

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Suki Binjal, Interim Director of Legal, on 020 8356 6234 or email suki.binjal@hackney.gov.uk



FS 566728

LICENSING COMMITTEE

MONDAY, 3RD JUNE, 2019

- Present:** Councillor Emma Plouviez in the Chair
- Cllr M Can Ozsen, Cllr Sophie Cameron,
Cllr Brian Bell (Vice-Chair), Cllr Gilbert Smyth,
Cllr Sharon Patrick, Cllr James Peters,
Cllr Caroline Selman, Cllr Ian Rathbone,
Cllr Sem Moema, Cllr Peter Snell, Cllr Harvey Odze
and Cllr Penny Wrout
- Officers:** Samantha Mathys, Late Night Levy Manager
Butta Singh, Senior Lawyer – Licensing, Senior
Management Team
Gareth Sykes, Governance Services Officer
David Tuitt, Licensing Team Leader
- Apologies:** Cllr Margaret Gordon and Cllr Sophie Conway

1 Appointment of Chair and Vice-Chair of the Licensing Committee for the Municipal Year 2019/20

- 1.1 The Governance Services Officer opened the meeting in order for the Committee to propose and second the nomination of Councillor Emma Plouviez as Chair of the Licensing Committee. Councillor Plouviez had been nominated as the proposed Chair by Full Council at its Annual General Meeting (AGM) on 22 May 2019. Councillor James Peters proposed the nomination and Councillor Rathbone seconded it. Councillor Plouviez then took the Chair and asked for a proposer for the nomination of Councillor Brian Bell as Vice Chair as made by Full Council at its meeting on 22 May 2019. Councillor Peters proposed and Councillor Rathbone Seconded.

RESOLVED to approve the nomination of Councillor Emma Plouviez as Chair of the Licensing Committee and the nomination of Councillor Brian Bell as Vice-Chair of the Licensing Committee.

2 Apologies for absence

- 2.1 Apologies for absence were received from Councillors Conway and Gordon.

3 URGENT BUSINESS

- 3.1 There was no urgent business to be discussed.

4 Declarations of Interest - Members to declare as appropriate

- 4.1 There were no declarations of interest.

5 Minutes of the Previous Meeting

- 5.1 The minutes of the previous meeting, held on the 16th January 2019, were AGREED subject to one amendment, to include Councillor Penny Wrout in the attendance section of the minutes.

RESOLVED, the minutes of the previous meeting, held on 16th January 2019, were AGREED as an accurate record, subject to one amendment.

6 Establishment and Composition of the following Licensing Sub-Committees A, B, C, D, and E for the Municipal Year 2019/20

- 6.1 The members of the Licensing Committee considered and agreed the contents of the paper approving the membership of the Licensing Sub-Committees A to E for the municipal year 2019-2020.

RESOLVED to establish five Licensing Sub-Committees A to E as detailed in Appendix A of the report.

RESOLVED to approve the membership of the five Licensing sub-Committees A-E as included in Appendix A of the report:

LICENSING SUB COMMITTEE A

Councillor Sophie Conway
Councillor Sharon Patrick
Councillor Gilbert Smyth

LICENSING SUB COMMITTEE B

Councillor Margaret Gordon
Councillor Sem Moema
Councillor Harvey Odze

LICENSING SUB COMMITTEE C

Councillor James Peters
Councillor Penny Wrout
Councillor M Can Ozsen

LICENSING SUB COMMITTEE D

Councillor Brian Bell
Councillor Emma Plouviez
Councillor Ian Rathbone

LICENSING SUB COMMITTEE E

Councillor Sophie Cameron
Councillor Caroline Selman
Councillor Peter Snell

RESOLVED it was noted that each Member appointed to their respective Licensing Sub-Committees will automatically be appointed as substitutes to the other four respective Licensing Sub-Committees.

7 Licensing Service - Annual Report

- 7.1 David Tuitt, the Licensing Team Leader, introduced the report. The Licensing Committee were updated on the activities and performance of the licensing service during the 2018/19 municipal year. Members were also updated on the licensing service's aims and targets for the forthcoming 2019/20 municipal year.
- 7.2 Committee members noted that in terms of the number of premises licenses granted, statistically the trend had been upwards over the last five years. On variations of existing premises licences/certificates, the statistics were comparable to previous years. Members also noted that the overall number of Temporary Event Notices (TENs) received decreased from the previous year. However, the number remained high and remains at a level that requires significant resource. On the review of premises licenses/club premises certificates, the licensing service received four review applications last year. The figures remain some way below historic averages.
- 7.3 The licensing committee members noted that in relation to the number of Licensing Sub-Committee hearings held, the number of Licensing Sub-Committees were reduced from the previous year, this reflected the slightly smaller number of licence variations and review applications.
- 7.4 The number of betting licences remained stable with no change to the number of premises in 2018/19 (52 in each year). This was down from the 71 that were converted during the transitional period at the commencement of the current regime. David Tuitt speculated on what impact, if any, there might be on the numbers of outlets following changes to stakes and prize limits that apply to the controversial B2 gaming machines, which are known as fixed-odds betting terminals. The changes had come into effect on the 1st April 2019.
- 7.5 Committee members noted that the majority of Massage and Special Treatment (MST) premises licences comprised of applications to renew existing licences issued in a previous year. There was a sharp fall in the number of licences renewed after a consistent years of growth and the Licensing Service suggested that some work may be needed to be done to ensure businesses are operating lawfully.
- 7.6 On the Late Night Levy, committee members noted that £414,758 had been collected in the first year.
- 7.7 David Tuitt reported that work was continuing on the licensing pre-application advice scheme pilot. The pilot's purpose was to:
- To secure cost recovery for the Service
 - To ensure the Council was not subsidising businesses
 - To work towards cost neutrality by 2020
- 7.8 On the Licensing Service – Summary table, David Tuitt highlighted that in the 2018-19 period 1165 premises licences had been issued. Committee members noted that the Licensing Service was able undertake more accurate reporting due to a change in its processes.
- 7.9 In response to a question from Councillor Peters, David Tuitt replied that the maximum stake on Fixed-Odds Betting Terminals (FOBTs) was now set at £2 but the maximum prize to be won was still £500.

- 7.10 In response to a further question from Councillor Peters, David Tuitt replied that the Licensing Service's work on the review of new animal welfare function was focussed on businesses such as dog kennels and animal performers. Committee members noted that for some years there had been two kennels in the London Borough of Hackney. The Licensing Services, with this work into the review of the new animal welfare function, was seeking to clarify this area of licensing.
- 7.11 In response to a question from Councillor Patrick, David Tuitt replied that a review of a premises licences did not tend to be brought by members of the public. David Tuitt added that reviews of a premises licences tended to be instigated by Responsible Authorities, e.g. the Licensing Service or the Metropolitan Police Service (MPS). David Tuitt explained that it would depend on the circumstances in terms of how a review of a premises licences came about. David Tuitt added that there would need to be robust evidence in place to support going forward with the review of a premises licence. Councillor Rathbone echoed the comments of the Licensing Service in that a review of a premises licence tended to be instigated by the MPS or Licensing Service with members of the public probably not being as knowledgeable about how the review process works.
- 7.12 In response to a question from Councillor Snell, David Tuitt replied that they would look into and report back to the Licensing Committee with further details on the pilot of the pre-application advice/cost recovery scheme.
- 7.13 In response to a question from Councillor Moema, David Tuitt replied that Personal Licenses were not transferable. Committee members noted that in the event of a Personal Licence being stolen a small cost would be incurred to replace it.
- 7.14 In response to a question from Councillor Smyth, the Licensing Service would look at gathering data on those premises licence/variation applications that had been refused and this would be included in the next annual licensing report.
- 7.15 In response to a question from Councillor Rathbone, David Tuitt replied that they would look into why there was a decrease in the number of premise licenses being applied for.
- 7.16 In response to a question from Councillor Peters, David Tuitt replied that in terms of new funding for the new animal welfare function, they would set a fee based on guidance published by the Local Government Association (LGA) following the Henry vs Westminster court case.
- 7.17 In response to a further question from Councillor Peters, David Tuitt replied that they would look into and report back to the Licensing Committee with further details on the cost recovery scheme.
- 7.18 In response to a question from Councillor Ozsen, David Tuitt replied that with Gambling Premises Licenses, in the event of a breach, one course of action for the Licensing Services was to advocate that the gambling establishment would default to a series of set hours. The Licensing Service confirmed that there were betting establishments that operated beyond the set default operation hours.
- 7.19 The Licensing Committee noted that the legal officer would circulate shortly a written update to the members on the current status of the London Borough of Hackney's various licensing appeals. This update would include the recent outcome of a court decision on a recent Judicial Review (JR); a JR brought by campaign group We Love Hackney (WLH) against the London Borough of Hackney's (LBH's) licensing policy had been 'struck out' by a judge. It was understood that that LBH had not recovered all of its legal costs and that aspects of the case were still ongoing.

7.20 In response to a question from Councillor Moema, David Tuitt replied that they would look into and report back to the Licensing Committee with an update on work towards achieving cost neutrality by 2020.

RESOLVED that the Licensing Committee notes the report.

RESOLVED that Licensing would look at gathering data on those premises licenses that have been refused and including it in the next annual licensing report.

RESOLVED that Licensing would look into the trend into the decrease in the number of premise licenses being applied for.

RESOLVED that Licensing would look into and report back to the Licensing Committee about with further details on the cost recovery fee.

RESOLVED Licensing would look into and report back to the Licensing Committee with an update on cost neutrality.

8 Update on the Late Night Levy

8.1 David Tuitt, the Licensing Team Leader, introduced the report on the Late Night Levy (LNL) following the previous Licensing Committee meeting on the 16th January 2019.

8.2 Licensing Committee members noted the attached minutes for the latest LNL board meeting held on the 14th March 2019 and also the job description for the LNL manager. Members welcomed Samantha Mathys, the LNL manager, to the meeting.

8.3 In response to a question from Councillor Snell, David Tuitt replied that the Licensing Service would need to look at the Terms of Reference (ToR) for the LNL board to see if its meetings were open to observers to attend.

8.4 Councillor Snell commented that he welcomed the inclusion of the March LNL board meeting in the papers for the committee meeting. The councillor re-iterated a point that he had stressed at the previous Licensing Committee meeting in January, that he welcomed some work by the Licensing Service into developing a best practice guide for off licences when dealing with inebriated customers.

8.5 Councillor Ozsen disagreed with any suggestion that off licences were the primary source of anti-social behaviour in Hackney. The committee chair added that there was a lot of outside factors involved in this area and that any review of off licences was remote. David Tuitt added that it was an offence to supply alcohol to someone already drunk.

8.6 In response to a question from Councillor Rathbone, David Tuitt replied that Ms Mathys did not have a deputy and that she would be supported by the Licensing Service. If Ms Mathys was off then a member of the Licensing Service team would assist with her duties.

8.7 There was a brief discussion among committee members about the money collected from the LNL. As discussed at the previous Licensing Committee meeting in January that there was a memorandum of understanding that the police will spend that money on issues specifically relating to the Night Time Economy (NTE). At the January committee meeting members had expressed concerns previously that funding would have been swallowed up by the MPS because of wider policing concerns. Councillor Selman re-iterated that there was a memorandum of understanding in place. David Tuitt added that there was surplus left from last year's LNL and that the LNL board would be looking into this matter.

- 8.8 In response to a question from Councillor Smyth, David Tuitt replied that in terms of proposals for the installation of pop-up toilets in key NTE areas, their usage could be monitored by LBH's cleaning teams but these were very much early proposals at this stage.
- 8.9 In response to a question from Councillor Moema, David Tuitt replied that LBH had safeguards in place should resources, particularly the MPS, be pulled from the area of the NTE team. The exception, however, would be an unexpected high-profile incident, such as a terrorist attack.
- 8.10 In response to a question from Councillor Rathbone, David Tuitt replied that Ward Panel style approach to Pubwatch, as mentioned in the March LNL board minutes, was not an extra level of bureaucracy. In the course of discussions at the board meeting this had been merely put forward as a suggestion from the MPS. They police had suggested that pub owners at Pubwatch meetings come to those meetings with their top three issues for discussion.

RESOLVED that the Licensing Committee notes the report.

9 ANY OTHER BUSINESS THE CHAIR CONSIDERS TO BE URGENT

- 9.1 There was no any other business for discussion at the meeting.

Duration of the meeting: 19:00 to 20:00 hours

Councillor Emma Plouviez, Chair at the meeting on Monday, 3 June 2019



UPDATE ON THE LATE NIGHT LEVY	
LICENSING COMMITTEE 18 SEPTEMBER 2019	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING KIM WRIGHT	

1. INTRODUCTION

- 1.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”).
- 1.2 At its meeting on 16 January 2019, the Licensing Committee resolved that the Late Night Levy board and its minutes would be a matters arising item on future Licensing Committee meeting agendas where any LNL board meetings have taken place between Licensing Committee Meetings.
- 1.3 At its meeting on 3 June 2019 The Licensing Committee, were presented with the minutes of the Late Night Levy Board that took place on 14 March 2019.

2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee notes the report and the Appendix.

3. BACKGROUND

- 3.1 The late night levy (“the levy”) is a discretionary power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 3.2 The Council consulted on the introduction of the Levy from 13 February 2017 until 7 May 2017. And following a recommendation by the Licensing Committee on 21 June 2017, the Council decided to introduce the Levy at its meeting on 26 July 2017. The effective date of the Levy was 1 November 2017.
- 3.3 The Licensing Service recorded receipts totalling £414,758 for the 12 month period commencing 1 November 2017 to 31 October 2018 (Year 1).

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 4.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) and the minutes of the most recent board meeting. There are no financial considerations at this time.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.

APPENDICES

Appendix 1 – Minutes of the Late Night Levy Board held on 6 June 2019

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

Report Authors	David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk ☎ 020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Philip Walcott Group Accountant philip.walcott@hackney.gov.uk ☎ 020 8356 2396
Comments of the Director of Legal	Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk ☎ 020 8356 6295

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Minutes of the Late Night Levy Board Meeting

6th June 2019 @ 14:00pm, Hackney Town Hall, Room 114.

Present:

Cllr Emma Plouviez (EP) – Chair
 Cllr Caroline Selman (CS)
 Robert Gardner (RG)
 Maurice Mason (MM)
 David Tuitt (DT)
 Cory Defoe (CD)
 Suzanne Johnson (SJ)
 Olga Vandenberg (OV)
 Samantha Mathys (SM)
 William Knowles Mofford (WKM) – Shoreditch Pubwatch
 Margaret Ryan (MRy) – Stoke Newington Pubwatch
 Jeremy Ledlin (JL) - Dalston Pubwatch.
 Paul Merry (PM) – Shoreditch Pubwatch
 Martin Rolston (MRo) Met Police

Apologies

N/A

1.	Chairs Introduction and Round table introductions & Apologies	<i>Action</i>
	The Chair Cllr EP introduced herself and asked everyone else present to do the same.	<i>Noted</i>
2.	Minutes of meeting 14 March 2019 & matters arising	
	Minutes of 14 March 2019 accepted as a true record.	<i>Noted</i>
3.	LBH update on collections and receipts to date.	
	SM to circulate summary report of what has been spent / allocated and available funds	<i>SM</i>
	See attached summary	
4.	LBH update	
	SM introduced a briefing outlining current activities by LBH.	
	<ol style="list-style-type: none"> 1. Targeted Patrols for Bank Holiday Weekends in April and May - See attached paper 2. Stoke Newington Radio Scheme - See attached paper 3. Women's Safety Charter - See attached paper 4. Joint Operations between Police and Hackney enforcement See attached paper 	

<p>5. Future activities and goals of the LNL Manager / LBH. See attached paper for more details on each activity.</p> <ul style="list-style-type: none"> A. Improving Safety and tackling ASB problems with MET and enforcement B. Information sharing and communication between all stakeholders in the LTE C. Pubwatch network for Hackney Central / London Fields D. Drinkaware Training E. Public Urination F. Noise liaison <p>It was agreed that there would be more contact between SM and the Police.</p> <p>EP raised the noise liaison issue and that a clearer responsibility is needed regarding public nuisance in licensing. It should not just be about Shoreditch and Dalston but also about other areas which do not have as much of a proven track for resident complaints.</p> <p>RG stated that we would present a proposal at the next meeting.</p>	<p><i>Noted, SM</i></p> <p><i>SM / MRo</i></p> <p><i>Noted</i></p> <p><i>SM / RG</i></p>
<p>5. Police, update and options.</p> <p>Police Update</p> <ol style="list-style-type: none"> 1. MR explained the 22 hour coverage over the 4 days of the Bank Holiday and the increased Police visibility. It was also reported that police had conducted 401 stop and searches, 351 Licensing visits and 118 arrests in 6 weeks. The previous NTE team achieved 197 stop and searches and 206 arrests in 12 months. 2. It was also reported that they have put one of the licensing officers out with the patrols so they can deal with licensing issues in real time. 3. MR reported that Hackney in particular has seen an increase in the number of assaults against a police officer, particularly in the Shoreditch area. 4. MR reported that Shoreditch is taking over from the West End in terms of night time economy. 5. MR reported that the police conducted quite a large operation recently with City of London, London Transport Police and also tested a pilot for a custody bus. 6. The MET reported new initiatives that would be tested in Shoreditch including drones and 2 lookout points 	<p><i>Noted, MRo</i></p>

<p>Pop up Policing Plan - Emergency contingency MR brought up the need for a bank holiday pop up plan and asked if we could look at putting a quick decision making process in place.</p> <p>It was agreed by all to have a £10K pre approved amount as a contingency for emergency policing needs which includes enforcement and public safety initiatives, and £2K for any ad-hoc expenses.</p> <p>Bank holidays and other special dates should be proposed to the board as they are known in advance. MRo to submit proposals for those.</p> <p>Communications</p> <p>SM to circulate licensing phone number.</p> <p>CS proposed the creation of a bulletin, including an introduction to the team and contact details.</p> <p>SM to draft a LNL report with help from the MET on police activity that is circulated to board members before each quarterly meeting. The report should be broken down by area/ wards.</p> <p>Street Pastors and other community safety initiatives SM to look into and present at the next board meeting.</p>	<p><i>Noted</i></p> <p><i>MRo</i></p> <p><i>SM</i></p> <p><i>Noted</i></p> <p><i>SM</i></p> <p><i>SM</i></p>
<p>6. Pubwatch representative options and observations</p>	
<p>Dalston PW</p> <ol style="list-style-type: none"> 1. ASB has reduced 2. Decrease in NOX sellers 3. Requested increased info sharing regarding enforcement and trading standards operations in the area <p>MM to send LNL LBH initiatives summary to SM, to incorporate in her communications to stakeholders.</p> <p>Shoreditch PW</p> <ol style="list-style-type: none"> 1. Pubwatch members are not seeing the increased police presence. 2. A more aggressive approach towards ASB and NOX sellers, as the problem is worsening. 3. The lack of plain clothes officers 4. Public urination 5. Theft / Bag and phone snatches 6. Entire patrols being pulled away from the borough for arrest processing 	<p><i>Noted</i></p> <p><i>MM</i></p> <p><i>Noted</i></p>

<p>Stoke Newington PW</p> <ol style="list-style-type: none"> 1. Police visibility has increased 2. Visits and licensing checks of certain premises visits too frequent (3 days in a row, two weeks straight) 3. ASB has reduced since last meeting 4. MR mentioned the lack of CCTV cameras outside certain premises and current blind spots. <p>CS stated that if we were to increase CCTV coverage we would have to do so in an egalitarian manner in regards to the entire borough.</p> <p>EP pointed out that we should perhaps look at doing away with the criminality problems rather than increasing our CCTV coverage.</p> <p>SM to set up a meeting between CCTV and Stoke Newington Pubwatch.</p>	<p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>SM</i></p>
<p>7. AOB</p>	
<p>PW brought up Drinkaware training and cost has been estimated at £20,000 for the year. It was agreed to proceed with internal procurement process. SM to obtain additional quotations and work a proposal with PW.</p> <p>MR asked whether the pubwatch chairs will meet on a more frequent basis to decide priorities and inform the police of any issues. It was decided that pubwatch chairs could arrange meetings independently of the council for general policing needs outside of the LNL Levy. Anything regarding the LNL would be communicated to SM.</p> <p>EP raised the issue of having such a large amount unspent and suggested we look at ways to raise less money if we were unable to spend it and how we can incentivize operators and perhaps charge less.</p>	<p><i>PW / SM</i></p> <p><i>PW / MRy/ WKM / JL / SM</i></p> <p><i>Noted</i></p>
<p>8. Date of Next Meeting.</p> <p>The next meeting is Thursday 5th September in HSC Room 215 at 2pm</p> <p>Following Meeting:</p> <p>Thursday 5 November 2019 @ 2pm in Room 114, Hackney Town Hall</p>	<p><i>Noted</i></p>

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LICENSING SUB-COMMITTEES AND HEARING PROCEDURES

LICENSING COMMITTEE

18 SEPTEMBER 2019

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

1. INTRODUCTION

- 1.1 This report seeks to approve the delegation of relevant powers to the Licensing Sub-Committee and officers and introduce a new Licensing Sub-Committee hearing procedure. The delegation and procedure will be required for instances where the Council has granted a personal licence and it becomes aware that the holder of the licence has been convicted of a relevant or foreign offence, or has been required to pay an immigration penalty.

2. RECOMMENDATIONS

- 2.1 That Members note the delegation of licensing functions given the changes brought about to the Licensing Act 2003 by the Policing & Crime Act 2017 and the revised Delegation of Functions as set-out in the Statement of Licensing Policy.
- 2.2 That Members delegate the exercise of the licensing functions under the Act set-out in Appendix 2 attached to this report to Licensing Sub-committees and Officers.
- 2.3 That Members approve the new Licensing Sub-Committee Hearing Procedure (Type G) appended to this report.

3. BACKGROUND

- 3.1 The Policing & Crime Act 2017 amended the Licensing Act 2003 by introducing Section 132A. The legislation has been amended for instances where the Council has granted a personal licence and it becomes aware that the holder of the licence has been convicted of a relevant or foreign offence, or has been required to pay an immigration penalty.
- 3.2 Section 9 of Licensing Act 2003 ('the Act') introduced the requirement of the Council's Licensing Committee to establish Sub-Committees and also enable the Licensing Committee to regulate its own hearing procedures subject to the basic provisions contained within the Act's Hearing Regulations Order 2005 and the Gambling Act's Proceedings Regulations of 2007.
- 3.3 Section 10 of the Act provides that a licensing committee may arrange for the discharge of its licensing functions to a licensing sub-committee or to an officer pursuant to section 10(1) of the Act. Section 10(4) of the Act limits which licensing functions can be delegated to officers.
- 3.2 The Licensing Committee considered amendments to its delegation and/or hearing procedures on 19th February 2007, 15th November 2010, 11th October 2012, 20th November 2013 and 20th October 2014.

- 3.2 The revised delegation and new procedure is required for instances where the Council has granted a personal licence and it becomes aware that the holder of the licence has been convicted of a relevant or foreign offence, or has been required to pay an immigration penalty.
- 3.3 Where the circumstances described above occur, the Council may suspend the licence for a period not exceeding six months, or revoke the licence. In doing so the Council must consider representations from the licence holder and can also consider representations from the Police.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND RESOURCES

- 4.1 This report seeks to introduce a new hearing procedure for Licensing Sub-Committees as set out in paragraph 1.1. There are no financial implications arising from the recommendations in this report. If the need for additional resources is subsequently identified this would be funded from within the existing budgets.

5. COMMENTS OF THE DIRECTOR OF LEGAL

- 5.1 Section 138 of the Policing & Crime Act 2017 amended the Licensing Act 2003 to include S.132A. The revision to the Licensing Act 2003 took effect on 6th April 2017 and enabled the Licensing Authority to suspend or revoke a personal licence when they become aware that the personal licence holder has been convicted of a relevant offence or immigration penalty. All relevant convictions and penalties are subject to this new section from the date when the revised legislation took effect.
- 5.2 Section 10 (4) of the Licensing Act 2003 has been amended to clarify that an officer cannot make any decision as to the suspension or revocation of a licence in these circumstances.
- 5.3 If the Personal Licence is to be suspended this cannot exceed a 6 month period.
- 5.4 The Licensing Sub-Committee must consider (once they have been delegated the powers) the following matters before taking any decision;
- (a) any representations made by the licence holder,
 - (b) any relevant decision of a court for which the licensing authority is aware, and
 - (c) any other information which the authority considers relevant.
- 5.5 Before the Sub-Committee makes any final decision the Police must also be given an opportunity to make any representations.

- 5.6 Only the licence holder can appeal the decision taken by the licensing sub-committee.

APPENDICES

- Revised Delegation of Functions (appended to the Statement of Licensing Policy at Appendix F)
- Appendix 2: New Delegation of Licensing Functions
- Hearing Procedure (Type G) –Where the Authority has become aware that the holder of a personal licence has been convicted of a relevant or foreign offence or foreign offence or has been required to pay an immigration penalty.
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EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

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Appendix F: Delegation of functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Decision to revoke or suspend a personal licence	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision to withdraw club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases
Determination of an objection to a standard temporary event notice	All cases	
Determination of an objection to a late temporary event notice		All cases
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

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SCHEME OF DELEGATION

Licensing Functions under the Licensing Act 2003

A.	The following powers and duties under the Licensing Act 2003 shall be delegated to Licensing Sub-Committees in the circumstances set out below:
1.	<p>To determine applications made to the Licensing Authority under the provisions of:</p> <ul style="list-style-type: none"> • Section 18(3) (application for a premises licence) • Section 31(3) (application for a provisional statement) • Section 35(3) (application to vary a premises licence) • Section 39(3) (application to vary designated premises supervisor) • Section 44(5) (application to transfer a premises licence) • Section 52(2) & 52(3) (application for a review of a premises licence) • Section 53C (application for a summary review of a premises licence) • Section 72(3) (application for club premises certificate) • Section 85(3) (application to vary a club premises certificate) • Section 88(2) & 88(3) (application for a review of a club premises certificate) • Section 120(7) (application for a personal licence) • Section 121(6) (application for renewal of a personal licence) <p>where relevant representations or Police objections have been made and not withdrawn and for review application where a hearing is necessary.</p>
2.	<p>To consider objections and other matters made to the Licensing Authority under the provisions of:</p> <ul style="list-style-type: none"> • Section 48(3) (interim authority notice) • Section 105(2) (temporary event notice) • Section 124(4) (revocation of personal licence where convictions come to light after grant or renewal of licence) • Section 132A (8 & (12) (revocation or suspension of licence by the Licensing Authority where it becomes aware of convictions or immigration penalties) <p>and decide whether to cancel an interim authority notice/give a counter</p>

	notice/revoke the personal licence, as appropriate.

3.	To take interim steps pending the determination of a summary review of a premises licence – section 53A(2)(a) or 53B.
4.	To determine whether a club is established and conducted in good faith – section 63
5.	To give a notice to withdraw a Club Premises Certificate – section 90.
6.	To review a premises licence following receipt of a notice from the Magistrates Court of a closure order– section 167(5).
B.	The powers and duties under the Licensing Act 2003, which are not listed in section A above and are not expressly reserved to Council or the Licensing Committee, as set-out in the ‘terms of reference’ of the Council’s Constitution, shall be delegated to the Group Director of Neighbourhoods and Housing.

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Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type G

[Where the Authority has become aware that the holder of a personal licence has been convicted of a relevant or foreign offence or foreign offence or has been required to pay an immigration penalty]

<p>Step 1 Appointment of Chair and introduction</p>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	<p>5 minutes</p>
<p>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report</p>	<p>5 minutes</p>
<p>Step 3 Licence holder</p>	<p>The licence holder will be able make any representation regarding their relevant conviction or immigration penalty and as to any action that the Licensing Sub-Committee may take</p>	<p>5 minutes</p>
<p>Step 4 Responsible Authorities case</p>	<p>The Chair will invite the Police to highlight their reasons for making a representation</p>	<p>5 minutes</p>
<p>Step 5 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented and give Sub-Committee Members an opportunity to seek clarification on any points raised and ask questions, if necessary.</p>	<p>15 minutes</p>
<p>Step 6 Closing remarks</p>	<p>The Chair will ask all parties if they have any final comments to make. These comments can only be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p>Step 7 Final clarification</p>	<p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>	<p>5 minutes</p>
<p>Step 8 Consideration</p>	<p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>	<p>10 minutes</p>
<p>Step 9 Chair announces the decision</p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict with the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below –

www.legislation.gov.uk/uksi/2005/44/contents/made