



L I C E N S I N G S U B - C O M M I T T E E E E X P E D I T E D R E V I E W

Friday 18 March 2022 at 11.00 am

Until further notice, all Council meetings
will be held remotely

The live stream can be viewed here:

<https://youtu.be/O5DNovYmNNM>

Back up link to be used in the event of technical issues:

<https://youtu.be/OJCKHHses0>

Members of the Committee:

Cllr Brian Bell, Cllr Emma Plouviez and Cllr Penny Wrout

Mark Carroll
Chief Executive
Wednesday 9 March 2022
www.hackney.gov.uk

Contact: Natalie Williams,
Governance Services Officer
governance@hackney.gov.uk

Licensing Sub-Committee E

Friday, 18 March 2022 at 11.00am

Agenda

This meeting has been called in accordance with
Section 53A of the Licensing Act 2003

- 1 Election of Chair**
- 2 Apologies for Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Licensing Sub-Committee Hearing Procedure (Pages 5 - 6)**
- 5 Application for Review: Interim Steps - Looking Glass Cocktail Club, 49 Hackney Road, E2 7NX (Pages 7 - 24)**

On occasion, some applications will be heard in private and not open to the press and public if discussions are likely to lead to the discussions of exempt or confidential information.

The Following recommendation allows for the consideration of exempt information at agenda item 5.

RECOMMENDATION:

That the Press and Public be excluded from the meeting during the consideration of agenda item 5 due to the disclosure of exempt information as defined under paragraph 7, Part 1, Schedule 12A of the Local Government Act 1972.

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:

- Director of Legal, Democratic and Electoral Services
- 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.

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.

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 meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting 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 meeting 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.

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.

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 meeting, 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 meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting 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 meeting. Once you have finished making your representation, you must leave the meeting 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 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 non pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal ,Democratic and Electoral Services via email dawn.carter-mcdonald@hackney.gov.uk

Agenda Item 4

Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type C [Re; Review of a Premises Licence or Club Premises Certificate]

Step 1 Appointment of Chair and introduction	<p>The Sub-Committee will appoint 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>	5 minutes
Step 2 Licensing Officer	<p>The Licensing Officer will outline the report.</p>	5 minutes
Step 3 Applicant's Case	<p>The applicant will present their case in support of their application for calling a Review.</p>	5 minutes
Step 4 Responsible Authorities' Case	<p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for making a representation in relation to the Review called.</p>	5 minutes each
Step 5 Other Persons' Case	<p>The Chair will invite the Other Persons in attendance to present their case and highlight their reasons for making a representation in relation to the Review called.</p>	5 minutes each
Step 6 - Premises Licence/Club Certificate Holder	<p>The Premises Licence/Club Certificate Holder will respond to the issues raised.</p>	5 minutes
Step 7 Discussion	<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>	15 minutes

Step 8 Closing remarks	The Chair will ask all parties if they have any final comments to make. These comments can <u>only be</u> in relation to issues raised during the discussion. These remarks should be brief.	10 minutes
Step 9 - Final clarification	Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.	5 minutes

Step 10 Consideration	<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>	10 minutes
Step 11 Chair announces the decision	<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>	5 minutes

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below –
<http://www.legislation.gov.uk/uksi/2005/44/contents/made>

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank